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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHANIEL MYERS,  
Plaintiff,  
v.  
COUNTY OF FRESNO, et al.,  
Defendants.

Case No. 1:22-cv-00173-KES-HBK  
ORDER GRANTING JOINT MOTION TO  
EXTEND CERTAIN CASE MANAGEMENT  
AND SCHEDULING DEADLINES  
(Doc. No. 44)  
ORDER MOOTING MOTION TO COMPEL  
(Doc. No. 40)

Pending before the Court is the parties' Joint Motion to Extend Case Management and Scheduling Deadlines, filed on October 23, 2024. (Doc. No. 44). The Court previously granted extensions to certain case management deadlines on October 5, 2023 and May 21, 2024. (Doc. Nos. 25, 38). Due to Plaintiff's criminal prosecution, which the parties expect will conclude within six to twelve months, the parties request further extensions to the case management deadlines. (Doc. No. 44). The parties also advise that Plaintiff has agreed to submit to mental examination upon the conclusion of his criminal case, thus resolving Defendants' pending Motion to Compel (*Id.*). (*Id.* at 2 ¶ 5). Finally, the parties advise that Plaintiff also will submit to a deposition upon the conclusion of his criminal matter. (*Id.* ¶ 6). Based on the foregoing, the Court finds good cause to grant an extension to certain of the deadlines in the Case Management

1 Scheduling Order. Fed. R. Civ. P. 16(b)(4).<sup>1</sup>

2 Accordingly, it is **ORDERED**:

- 3 1. The Parties' Joint Motion to Extend Case Management and Scheduling Deadlines  
4 (Doc. No. 44) is GRANTED to the extent set forth herein.
- 5 2. The following amended dates shall govern the management of this action.

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Action or Event	Date
8 Deadline to complete non-expert discovery. <i>See</i> Fed. R. Civ. P. 37.	11/28/2025
9 Deadline for all parties to disclose expert report(s). <i>See</i> Fed. R. Civ. P. 10 26(a)(2).	12/19/2025
11 Deadline to disclose any expert rebuttal report(s).	01/16/2026
12 Deadline to complete expert discovery.	02/20/2026
13 Deadline to advise court of status of settlement, mediation, ADR or VDRP. 14 <i>See</i> Local Rule 270, 271.	02/27/2026
15 Deadline to file pretrial dispositive motions. <i>See</i> Fed. R. Civ. P. 56, Local 16 Rule 230.	04/10/2026
17 Deadline to file final joint pretrial statement, motion(s) <i>in limine</i> , proposed 18 jury instructions, and verdict form.	09/08/2026
19 Final pretrial conference	9/15/2026 at 1:30 p.m.
20 Trial date	11/18/2026 at 8:30 a.m.

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- 22 3. The **procedures** set forth in the December 8, 2022 Case Management and Scheduling  
23 Order (Doc. No. 20) will continue to govern this action.

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25 <sup>1</sup> While Plaintiff's criminal case does not arise out of the same incident as his civil case against  
26 Defendants, his Fifth Amendment rights are nevertheless implicated because admissions made in this  
27 proceeding could be prejudicial to his criminal prosecution. *See Fed. Sav. & Loan Ins. Corp. v. Molinaro*,  
28 889 F.2d 899, 902–03 (9th Cir. 1989) (whether a stay of a civil action is prudent requires the court to  
balance whether “the [criminal] defendant’s fifth amendment rights are implicated” and whether the  
interest of the civil plaintiff, the public, and the court favor a stay); *see also Wallace v. Kato*, 549 U.S. 384,  
394, (2007) (it is “common practice” when pending civil and criminal actions stem from the same incident  
“to stay the civil action until the criminal case or the likelihood of a criminal case is ended.”).

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4. Defendants' Motion to Compel (Doc. No. 40) is moot.<sup>2</sup>

Dated: October 25, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> To the extent necessary, Defendants may refile the motion after Plaintiff's criminal case is resolved if he refuses to submit to a mental examination at that time.