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17
 18 IN THE UNITED STATES DISTRICT COURT
 19 FOR THE EASTERN DISTRICT OF CALIFORNIA
 20 SACRAMENTO DIVISION

21 **RALPH COLEMAN, et al.**
 22 Plaintiffs,
 23 v.
 24 **GAVIN NEWSOM, et al.,**
 25 Defendants.
 26

Case No. 2:90-cv-00520 KJM DB P

**STIPULATION AND ORDER EXTENDING
 DEADLINES FOR ADJUDICATING
 PLAINTIFF-INTERVENOR CHRISTOPHER
 LIPSEY'S CLAIM**

Judge: Hon. Kimberly Mueller
 Action Filed: April 23, 1990

1 On June 3, 2021, the Court issued an order adopting the parties' proposed schedule to
2 adjudicate Plaintiff-Intervenor Christopher Lipsey's claim in intervention. *See* ECF No. 7191. Under
3 that schedule, fact discovery was to be completed by October 29, 2021. *Id.* ¶ 2. Other deadlines for
4 expert discovery and dispositive and *Daubert* motions followed from the fact discovery cutoff. *Id.*
5 ¶ 3. After the magistrate judge granted in part Lipsey's motion to compel on September 10, 2021 and
6 Defendants discovered an error in the execution of search terms that, when corrected, significantly
7 expanded the volume of documents to be reviewed and produced, the parties stipulated to, and the
8 Court ordered, an extension of the discovery deadlines on October 14, 2021. ECF No. 7344. Fact
9 discovery is now scheduled to close on December 16, 2021. *Id.* ¶ 1.

11 Lipsey and Defendants have been actively working to complete discovery on schedule but
12 again need more time. Lipsey's responses to Defendants' written discovery have taken longer than
13 expected as a result of the delays inherent in communicating with and collecting documents from an
14 incarcerated client, even with Defendants' assistance in facilitating the process. Additionally,
15 Defendants are continuing to review and produce documents collected in response to the motion to
16 compel ruling and the corrected search that contributed to the previous extension. Although the parties
17 hope to be able to complete these tasks by the current fact discovery deadline, there remains a
18 significant amount of discovery to be completed, including, but not limited to the parties' need to
19 complete written discovery; Lipsey's plan to schedule and complete ten fact witness depositions,
20 including those of high-level CDCR officials and at least one non-party, TimeKeeping Systems, Inc.
21 (the supplier of the Guard One system), whose counsel has represented to Lipsey's counsel that it is
22 not available for a deposition until late December or early January; and Defendants' plan to take
23 Lipsey's deposition. The parties therefore request an extension of discovery deadlines.

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IT IS STIPULATED AS FOLLOWS:

The parties jointly stipulate and request that the deadlines set forth in the October 14, 2021 order, ECF No. 7344, be extended as follows:

1. Fact discovery shall be completed by February 28, 2022.
2. The parties shall disclose experts by March 25, 2022.
3. The parties shall disclose rebuttal experts by April 22, 2022.
4. All expert discovery shall be completed by May 13, 2022.
5. Dispositive and *Daubert* motions shall be filed by June 3, 2022 and shall be noticed for hearing and briefing in accordance with the provisions of Local Rule 230.
6. If necessary, an evidentiary hearing will be set for a date in September 2022.

Dated: December 8, 2021

Respectfully submitted,

/s/ Brian C. Baran

/s/ Elise Owens Thorn (as authorized on 12/8/21)

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IT IS SO ORDERED.

Dated: December 9, 2021.



CHIEF UNITED STATES DISTRICT JUDGE