

**LAW OFFICE OF STEWART KATZ**

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Attorney for Plaintiffs

Estate of MATTHEW McEVERS, deceased, by and through BRETT McEVERS and GABRIEL McEVERS (minors through their mother and guardian ad litem Shannon McEvers) AND SHANNON McEVERS as successors in interest; BRETT McEVERS, Individually; GABRIEL McEVERS, Individually; SHANNON McEVERS, Individually; and LYNETTE McEVERS, Individually

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

Estate of MATTHEW McEVERS, deceased,  
by and through BRETT McEVERS and  
GABRIEL McEVERS (minors through their  
mother and guardian ad litem Shannon  
McEvers) and SHANNON McEVERS, as  
successors in interest; BRETT McEVERS,  
Individually; GABRIEL McEVERS,  
Individually; SHANNON McEVERS,  
Individually; LYNETTE McEVERS,  
Individually; and HARRY E. W.  
MCEVERS,

Plaintiffs,

vs.

COUNTY OF SACRAMENTO;  
Sacramento County Sheriff's Department  
Sheriff LOU BLANAS; Sacramento County  
Sheriff's Department Captain MARK  
IWASA; Sacramento County Sheriff's  
Deputy ANGELA EISENTROUT; Federal  
U.S. Marshal ANTONIO AMADOR;  
Federal Pre-trial Services Chief ROBERT  
DUNCAN; Federal Pre-trial Services  
Officer SANDRA HALL; the UNITED  
STATES OF AMERICA and Does I through  
XXX, inclusive,

Defendants.

**NO. 2:06-CV-02161-LRH**

**APPLICATION AND [ORDER TO MODIFY PRETRIAL SCHEDULING ORDER**

1 COME NOW THE PARTIES by and through their respective attorneys and subject to  
2 the approval of this Court, hereby agree to and respectfully request the below modifications  
3 and/or amendments to this Court's January 15, 2009 Status (Pretrial Scheduling) Order  
4 (Docket No. 84). The undersigned all participated in a telephonic conference on June 19,  
5 2009, and agreed at that time to propose these joint requests.

6 The parties contend there is good cause for this request for the following reasons:  
7 (1) the involvement of seven different attorneys/groups of represented clients as well as a pro  
8 per has resulted in much slower than anticipated progress in discovery and other matters; (2)  
9 the fact that two of the attorneys are sole practitioners and one of the plaintiffs is pro per has  
10 been a further complication to scheduling; (3) most of the plaintiffs presently live in North  
11 Carolina, and the United States is being represented out of the Los Angeles branch of the U.S.  
12 Attorney's Office, contributing to logistical difficulties; (4) there have been several discovery  
13 disputes, one of which was litigated and central to both the plaintiffs' case and confirmed the  
14 conflicting position(s) amongst the defendants, that went on for several months which  
15 effectively put discovery on hold pending the resolution of that issue; and (5) there have been  
16 numerous unanticipated disputes regarding documents and interrogatories which were not  
17 encountered in the previous suicide cases related to the Sacramento County Main Jail.

18 As the most significant obstacle has far and away been scheduling difficulties, the  
19 parties have agreed to ask the Court to order all Counsel to be available for depositions on the  
20 following dates: September 9 – 11, 2009, September 21 – 24, 2009, September 29 – October  
21 2, 2009 and October 27 – 29, 2009. The parties believe that this order as to the required  
22 availability of counsel is necessary and will be invaluable in avoiding the conflicts that have  
23 plagued discovery efforts in this case thus far.

24 The proposed modifications are as follows:

- 25 • That the discovery cut-off date set for August 24, 2009, be moved to  
26 December 22, 2009.
- 27 • That the deadline for expert disclosures set for September 8, 2009, be moved  
28 to January 11, 2010.

1 • That the deadline for disclosure of supplemental expert witnesses set for  
2 October 5, 2009, be moved to February 8, 2010.

3 • That the completion date for expert discovery set for November 23, 2009, be  
4 moved to March 26, 2010.

5 • That the dispositive motion cut-off date set for December 21, 2009 be moved  
6 to April 26, 2010.

7 • That the final pretrial conference date set for February 22, 2010 at 1:30 p.m.  
8 be moved to June 21, 2010 at 1:30p.m.

9 • That the trial date set for June 15, 2010 at 9:00 a.m. be moved to October 19,  
10 2010 at 9:00 a.m.

11  
12 Dated: June 25, 2009

/s/ Stewart Katz  
STEWART KATZ,  
Attorney for Plaintiffs

13  
14  
15 Dated: June 25, 2009

/s/ Van Longyear  
VAN LONGYEAR  
Attorney for Defendants County of  
Sacramento, Blanas and Iwasa

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17  
18 Dated: June 25, 2009

/s/ Danny D. Brace, Jr.  
DANNY D. BRACE, JR.  
Attorney for Defendant Amador

19  
20 Dated: June 25, 2009

/s/ Kenneth C. Memmemeier  
KENNETH C. MENNEMEIER  
Attorney for Defendants Duncan & Hall

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22  
23 Dated: June 25, 2009

/s/ David A. Dejute  
DAVID A. DEJUTE  
Attorney for Defendant USA

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25  
26 Dated: June 30, 2009

/s/ Jonathan Paul  
JONATHAN PAUL  
Attorney for Defendant Eisentrout

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Dated: June 28, 2009

/s/ Harry McEvers  
HARRY MCEVERS  
Plaintiff In Propria Persona

**IT IS SO ORDERED:**



Dated: July 1, 2009

UNITED STATES MAGISTRATE JUDGE

THERE SHALL BE NO FURTHER  
EXTENSIONS GRANTED.