

1 Thomas A. Ambrose 065041
2 Attorney at Law
3 1590 Webster Street, Suite A
Fairfield, CA 94533
(707) 429-5550
(707) 429-3560

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5 Attorney for Plaintiff,
SCOTT TERRA

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 SCOTT TERRA,

Case No.: 2:07-cv-00059-RRB-EFB

12 Plaintiff,

13 STIPULATION TO MODIFY PRETRIAL
SCHEDULING ORDER TO EXTEND EXPERT
WITNESS DISCLOSURES, SUPPLEMENTAL
DISCLOSURE AND DISCLOSURE OF ANY
REBUTTAL EXPERTS, AND COMPLETION
OF DISCOVERY.

14 v.
15 THE UNITED STATES OF AMERICA, et al.,

16 Defendants Fed R. Civ. P. 26 (a) (2), 26 (a) (2) (C),

17
18 Plaintiff Scott Terra and Defendant United States (The Parties), through their
19 undersigned counsel, request by stipulation that the Court enter an Order modifying
20 the Pretrial Scheduling Order and state the following in support:

21 This case arises out of the crash of a Cessna aircraft near Vacaville, California.
22 The issues in the case include those relating to alleged negligence of a United States
23 Air Force employees and alleged negligence of the pilot operating the aircraft. The
24 documents and witnesses are numerous. Pursuant to the present Scheduling Order,
25 expert witness disclosures under Fed. R. Civ. P 26(a)(2) is to take place by February
26 8, 2008; and all discovery is to be complete by April 25, 2008.

27 A matter arising out of the same facts and circumstances, *Terra v. Weddell*, has
28 been pending in Solano County Superior Court, No. FCS027203, and notwithstanding

STIPULATION TO EXTEND EXPERT WITNESS DISCLOSURE, SUPPLEMENTAL DISCLOSURE AND
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1 settlement negotiations and discussions, the parties in that matter have not been able
2 to reach a compromise and both matters are now proceeding in earnest. Additionally,
3 the attorney handling this matter for the United States recently left the Department of
4 Justice and the matter has now been re-assigned to the undersigned counsel.

5 The Parties have exchanged extensive documentation. Air Force witnesses
6 have been located and it is anticipated that their depositions, the deposition of the pilot
7 and of the plaintiff will all take place over the next several weeks. Due to the technical
8 nature of the case, the parties anticipate it will be necessary to designate several
9 expert witnesses. Although the Parties have been diligent and cooperative in their
10 efforts, a short extension of time is requested to complete discovery and disclose
11 experts. Accordingly, the Parties hereby jointly stipulate and agree, and request that the
12 Pretrial Scheduling Order be modified to extend the time for expert witness disclosures under
13 Fed. R. Civ. P. 26 (a) (2) from February 8, 2008, to March 18, 2008; that the supplemental
14 disclosure and disclosure of any rebuttal experts under Fed R. Civ. P. 26 (a) (2) (c) be
15 extended from February 22, 2008, to March 28, 2008, and that the date for completion of
16 discovery be extended from April 25, 2008, to May 12, 2008. All other dates in the Pretrial
17 Scheduling Order are to remain the same. No prior extensions have been requested.

18 So Stipulated:

19
20 LAW OFFICES OF THOMAS A. AMBROSE

21 DATED: 2/4/08

22 "s/Thomas A. Ambrose,"
23 THOMAS A. Ambrose, Attorney for
24 Plaintiff, SCOTT TERRA

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26 PETER D. KEISLER
27 Assistant Attorney General

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29 MCGREGOR W. SCOTT
30 United States Attorney

31 E. ROBERT WRIGHT

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33 STIPULATION TO EXTEND EXPERT WITNESS DISCLOSURE, SUPPLEMENTAL DISCLOSURE AND
34 DISCLOSURES OF ANY REBUTTAL EXPERTS, AND COMPLETION OF DISCOVERY

1 Assistant United States Attorney
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4 DATED: 2/4/08
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9 "s/Debra Fowler."
10 DEBRA FOWLER
11 Senior Aviation Counsel
12 Torts Branch, Civil Division
13 U.S. Department of Justice
14 Post Office Box 14271
15 Washington, DC 20044-4271
16 Telephone: (202)616-4025
17 Facsimile: (202)616-4002
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DISCLOSURES OF ANY REBUTTAL EXPERTS, AND COMPLETION OF DISCOVERY

ORDER

The court having read and considered the foregoing joint stipulation and request to modify the Scheduling Order and good cause appearing therefore,

IT IS HEREBY ORDERED that the Pretrial Scheduling Order be modified to extend the time for expert witness disclosures under Fed. R. Civ. P. 26 (a) (2) from February 8, 2008, to March 18, 2008, that the supplemental disclosure and disclosure of any rebuttal experts under Fed R. Civ. P. 26 (a) (2) (c) shall be extended from February 22, 2008, to March 28, 2008, and that the date for completion of discovery be extended from April 25, 2008, to May 12, 2008.

DATED: 2/5/2008

/s/ Ralph R. Beistline

HON. RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

**STIPULATION TO EXTEND EXPERT WITNESS DISCLOSURE, SUPPLEMENTAL DISCLOSURE AND
DISCLOSURES OF ANY REBUTTAL EXPERTS, AND COMPLETION OF DISCOVERY**