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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13

14 SCOTT TERRA,

15 Plaintiff,

16 v.

17 THE UNITED STATES OF AMERICA, et al.,

18 Defendants

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

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

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

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

22 This case arises out of the crash of a Cessna aircraft near Vacaville, California.
23 The issues in the case include those relating to alleged negligence of a United States
24 Air Force employees and alleged negligence of the pilot operating the aircraft. The
25 documents and witnesses are numerous. Pursuant to the present Scheduling Order,
26 expert witness disclosures under Fed. R. Civ. P 26(a)(2) is to take place by February
27 8, 2008; and all discovery is to be complete by April 25, 2008.

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

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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:

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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

25 PETER D. KEISLER
26 Assistant Attorney General

27 MCGREGOR W. SCOTT
28 United States Attorney

E. ROBERT WRIGHT

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Assistant United States Attorney

DATED: 2/4/08

"s/Debra Fowler."
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1
2 **ORDER**

3 The court having read and considered the foregoing joint stipulation and request to
4 modify the Scheduling Order and good cause appearing therefore,
5 IT IS HEREBY ORDERED that the Pretrial Scheduling Order be modified to extend the time
6 for expert witness disclosures under Fed. R. Civ. P. 26 (a) (2) from February 8, 2008, to
7 March 18, 2008, that the supplemental disclosure and disclosure of any rebuttal experts
8 under Fed R. Civ. P. 26 (a) (2) (c) shall be extended from February 22, 2008, to March 28,
9 2008, and that the date for completion of discovery be extended from April 25, 2008, to May
10 12, 2008.
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13 DATED: 2/5/2008

14 /s/ Ralph R. Beistline
15 HON. RALPH R. BEISTLINE
16 UNITED STATES DISTRICT JUDGE
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