

1 Wayne H. Maire, State Bar No.: 88850
 2 Aaron W. Moore, State Bar No. 248566
 3 MAIRE & BURGESS
 4 2851 Park Marina Drive, Suite 300 (96001)
 5 P. O. Drawer 994607
 6 Redding, CA 96099-4607
 7 Phone: 530-246-6050 / Fax: 530-246-6060

8 Attorneys for Defendant,
 9 HOMER CISSELL

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

12 KAREN GROSZ, BERNADETTE
 13 CHAVEZ, VICKI RAMSEY,
 14 MARY KRISTINA BISHOP,
 15 SANDRA BECKWITH, TONI POULSEN,
 16 MARSHEL COUSO, KATHERINE LEAO,
 17 and DENISE STEVENSON,

Case No.: 2:07-CV-00697 KJM-CMK

18 **STIPULATION TO MODIFY PRETRIAL**
 19 **SCHEDULING ORDER AND ORDER**
 20 **THEREON**

21 Plaintiffs,

22 vs.

23 LASSEN COMMUNITY COLLEGE
 24 DISTRICT, HOMER CISSELL,
 25 BOARD OF TRUSTEES OF LASSEN
 26 COMMUNITY COLLEGE DISTRICT,

27 Defendants.

28 **IT IS HEREBY STIPULATED** by and between the parties to this action, Plaintiffs
 Karen Grosz, et. al., and their attorneys, Defendant Lassen Community College District, and its
 attorneys, and Defendant, Homer Cissell, and his attorneys, as follows:

1. On or about March 7, 2010, this Court issued its order regarding the pretrial
 scheduling order as follows: discovery deadline of January 31, 2011; designation of expert
 witness deadline of February 14, 2011; rebuttal designations deadline of March 7, 2011;

1 dispositive motion filing deadline of June 10, 2011; final pre-trial conference date of August
2 19, 2011; and, a jury trial set for October 25, 2011.

3 2. This case originally involved eight plaintiffs. On August 12-13, 2010, the
4 parties mediated this matter. While the entire matter did not settle in its entirety, only three
5 plaintiffs, Karen Grosz, Bernadette Chavez, and Vicki Ramsey, remain.
6

7 3. On August 24, 2010, Defendant, Homer Cissell, propounded Request for
8 Admissions, Set One, Special Interrogatories, Set One, and Request for Production of
9 Documents, Set One, to Plaintiffs, Sandy Beckwith, Tina Bishop, Bernadette Chavez, Vicki
10 Ramsey and Karen Grosz. Sandy Beckwith and Tina Bishop subsequently settled and are no
11 longer parties. Plaintiff, Vicki Ramsey, did not respond to Defendant, Homer Cissell's
12 propounded discovery. Plaintiffs, Bernadette Chavez and Karen Grosz, responded to Request
13 for Admissions, Set One, Special Interrogatories, Set One, and Request for Production of
14 Documents, Set One on September 29, 2010. After review, Defendant, Homer Cissell, found
15 that the responses were solely objections.
16
17

18 4. In addition to the discovery requests propounded by Defendant Cissell in this
19 Federal case, Defendant Lassen Community College District propounded extensive discovery
20 in Lassen Superior Court action case No. 49986, including 600 interrogatories, 150 requests for
21 production of documents and close to a 100 admissions. Plaintiffs have been unable to answer
22 the entire discovery timely.
23

24 5. Plaintiffs also submitted discovery requests as well on Defendants Homer
25 Cissell and Lassen Community College District on or around August 13, 2010. Defendants
26 both objected to each and every interrogatory and Plaintiff has yet to propound additional
27 discovery requests.
28

1 6. On October 13, 2010, Defendant, Homer Cissell, sent Plaintiffs a meet and
2 confer letter as required by FRCP Rule 37. It was agreed that Plaintiffs would amend their
3 responses and that Vicki Ramsey would provide responses. Counsel for Plaintiffs has assured
4 Defendant that responses are forthcoming on three subsequent occasions.
5

6 7. On December 13, 2010, Plaintiff Karen Grosz served amended responses to
7 Special Interrogatories, Set One and Request for Admissions, Set One. Plaintiff, Karen Grosz,
8 did not serve amended responses to Request for Production of Documents, Set One, nor did
9 Plaintiffs, Bernadette Chavez or Vicki Ramsey, serve any amended responses.
10

11 8. On January 30, 2010, counsel for Defendant, Homer Cissell, contacted counsel
12 for Plaintiffs regarding past due discovery responses. Plaintiffs' counsel again stated that
13 responses were forthcoming, but were not yet complete. During that conversation and
14 subsequent email correspondence, it was agreed that the dates should be continued.
15

16 9. Plaintiff's deposition was scheduled for January 25-27, 2011. However, due to
17 Plaintiffs' late discovery responses, depositions are premature and will be taken off calendar.
18

19 10. Defendants, Homer Cissell and Lassen Community College District, have been
20 unable to evaluate Plaintiffs' claims properly, hire an expert to evaluate Plaintiffs' claim, or
21 propound additional discovery.
22

23 11. Based on the foregoing, the parties request that the jury trial be continued to
24 April 28, 2012, at 9:00 a.m. or as soon thereafter as may be permitted by the Court's calendar.
25 The party further requests that the pretrial scheduling order be revised in accordance with the
26 new jury trial date. These revisions to the scheduling order will permit sufficient time to
27 conduct further discovery as may be necessary, the filing of dispositive motions, and the
28 disclosure and deposition of experts.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12. Should the Court approve this stipulation, the parties respectfully request that they be advised of the proposed new trial dates by the Court's clerk in order to avoid any potential conflicts with other previously set trials.

Dated: January 13, 2011

MAIRE & BURGESS
/s/ Wayne H. Maire
WAYNE H. MAIRE
AARON W. MOORE
Attorneys for Defendant,
HOMER CISSELL

Dated: 1/13/11

HAGER & HEARNE
/s/ Treva J. Hearne
TREVA J. HEARNE
Attorney for Plaintiffs,
KAREN GROSZ, et. al.

Dated: 1/13/11

JOHNSON SCHACHTER & LEWIS
/s/ Jennifer L. Hippo
ROBERT H. JOHNSON
JENNIFER L. HIPPO
Attorneys for Defendant,
LASSEN COMMUNITY COLLEGE
DISTRICT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

After reviewing the parties' Stipulation to Modify Pretrial Scheduling Order and Proposed Order, and conducting a telephonic status conference, the Court modifies the pretrial scheduling order as follows:

1. All discovery shall be completed by June 27, 2011.
2. Disclosure of expert witnesses shall be made by July 25, 2011.
3. Disclosure of rebuttal witnesses shall be made by August 15, 2011.
4. All dispositive motions shall be filed by October 17, 2011.
5. Hearing on such dispositive motions shall be on November 9, 2011 at 9:00 a.m.
6. The joint pretrial statement shall be due December 12, 2011.
7. The final pre-trial conference is set for January 4, 2012 11 a.m.; and
8. Jury trial in this matter is set for February 27, 2012 at 9:00 a.m.

Dated: February 18, 2011.


UNITED STATES DISTRICT JUDGE