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9 Attorneys for Defendant
 CITY OF CHICO

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

14 ELIZABETH JEAN SIMMONS, as Personal)
 Representative of the Estate of James Edward)
 15 Simmons; DARWIN H. SIMMONS and NINA)
 R. SIMMONS, individually, and as Trustees of)
 16 the Simmons Family Trust,)

17 Plaintiffs,)

18 vs.)

19 CITY OF CHICO; COUNTY OF BUTTE;)
 BALDWIN CONTRACTING COMPANY,)
 20 INC., a California Corporation; VIRGINIA)
 DRAKE, individually, and as Trustee of the)
 21 Drake Revocable Trust,)

22 Defendants.)

No.: 2:07-CV-01129 JAM-GGH

**STIPULATION TO MODIFY THE
 STATUS (PRETRIAL SCHEDULING)
 ORDER RE DEPOSITION OF DR. BRUCE
 BARNETT**

24 The deposition of Dr. Bruce Barnett, who was disclosed by plaintiffs and defendant
 25 Virginia Drake as a non-retained expert, was originally noticed for March 29, 2010, and Dr. Barnett
 26 was served with a subpoena for his appearance on that date. That deposition was taken off calendar
 27 to accommodate the schedules of counsel, and Dr. Barnett agreed to appear at a rescheduled date
 28 without service of a second subpoena.

1 Dr. Barnett was out of town for most of May, and returned in early June. However, he
2 leaves town again on June 29 and will not return until July 7, and his availability between now and
3 June 29th was limited to only a few days, all of which conflict with obligations already scheduled by
4 counsel in this matter.

5 Therefore, the parties, through their undersigned counsel, agree that the deposition of Dr.
6 Bruce Barnett may be taken after the July 1, 2010 close of expert discovery, but prior to August 1,
7 2010. The completion of this one deposition after the close of expert discovery will not impact any
8 other scheduled dates in this matter.

9 IT IS SO STIPULATED.

10 DATED: June 22, 2010

CARR, KENNEDY, PETERSON & FROST

11
12 By: /s/ Randall C. Nelson (as authorized on 6/21/10)
13 RANDALL C. NELSON
14 (SBN: 138298)
Attorneys for Plaintiffs

15 DATED: June 22, 2010

GOLDSBERRY, FREEMAN & GUZMAN, LLP

16
17 By: /s/ Francis M. Goldsberry III
18 FRANCIS M. GOLDSBERRY III
19 (SBN: 178739)
Attorneys for Defendant
CITY OF CHICO

20 DATED: June 22, 2010

PORTER SCOTT

21
22 By: /s/ Stephen E. Horan (as authorized on 6/21/10)
23 STEPHEN E. HORAN
24 (SBN: 125241)
Attorneys for Defendant
COUNTY OF BUTTE

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DATED: June 22, 2010

SCHARFF, BRADY & VINDING

By: /s/ Michael E. Vinding (as authorized on 6/21/10)
MICHAEL E. VINDING
(SBN: 178359)
Attorneys for Defendant
BALDWIN CONTRACTING
COMPANY, INC.

DATED: June 22, 2010

MONTAGUE & VIGLIONE

By: /s/ John D. Montague (as authorized on 6/21/10)
JOHN D. MONTAGUE
(SBN: 71994)
Attorneys for Defendant
VIRGINIA DRAKE

ORDER

IT IS SO ORDERED.

DATED: June 22, 2010

/s/ John A. Mendez
JOHN A. MENDEZ
JUDGE, U.S. DISTRICT COURT