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7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 RYAN A. BARNES,

11 Plaintiff,

12 v.

13 COUNTY OF SUTTER, SHERIFF JIM
 14 DENNEY, OFFICER WILLY MITCHELL,
 15 OFFICER J. ROUNA and SUTTER
 COUNTY BOARD OF SUPERVISORS,

16 Defendants.

No. CIV S 07-1380 FCD GGH PC

**STIPULATION AND ORDER EXTENDING
 THE DATE FOR EXPERT DESIGNATIONS
 SET FORTH IN THE SCHEDULING ORDER**

Magistrate Gregory G. Hollows

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1 Plaintiff Ryan A. Barnes (“Plaintiff”) and defendants County of Sutter, Sheriff
2 Jim Denney (inadvertently sued as Denny), Officer Willy Mitchell, Officer J. Ruona and Sutter
3 County Board of Supervisors (“Defendants”), by and through their undersigned counsel, and
4 subject to the approval of the court, stipulate to the following, as set forth below:

5 **STIPULATION**

6 WHEREAS, the Court entered a Scheduling Order dated September 9, 2008 in
7 this action;

8 WHEREAS, pursuant to that Scheduling Order, the Court set forth the following
9 deadlines for “Expert Disclosure”:

10 Plaintiff shall designate in writing and file with the court, and serve
11 upon all other parties, the names of all experts that plaintiff
12 proposes to tender at trial not later than May 8, 2009. Within 15
13 days thereafter, defendants shall designate in writing, file with the
14 court, and serve upon all other parties, the name of each expert that
15 they propose to tender at trial. If defendants designate an expert for
16 an area on which defendants have the burden of proof, plaintiff may
17 designate a rebuttal witness within 15 days thereafter. The
18 designations of experts shall be made pursuant to Fed. R. Civ. P.
19 26(a)(2). All experts so designated are to be fully prepared to
20 render an informed opinion at the time of designation so that they
21 may fully participate in any deposition taken by the opposing party.
22 Experts will not be permitted to testify at the trial as to any
23 information gathered or evaluated, or opinion formed, after
24 deposition taken subsequent to designation.

25 *See* Scheduling Order at 3:11-21.

26 WHEREAS, pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil
27 Procedure, unless otherwise stipulated or ordered by the Court, expert disclosures must be
28 accompanied by a written report if the witness is one retained to provide expert testimony in the
case;

WHEREAS, due to Plaintiff’s pending motion for leave to amend, the ruling on
which may impact the parties and scope of this lawsuit, certain unresolved discovery issues, and
the parties desire to allow expert witnesses to have access to, and sufficient time to review, all
depositions and written discovery taken in this action in order to form their opinions, the parties

1 submit there is good cause to modify the Scheduling Order to briefly extend the expert disclosure
2 dates, and therefore have so agreed to extend the dates by which experts shall be disclosed and
3 reports shall be exchanged for a period of sixty (60) days; and

4 WHEREAS, the agreed upon extensions for designating experts and exchanging
5 expert reports will not impact any of the deadlines otherwise set forth in the Scheduling Order;

6 NOW THEREFORE, subject to Court approval, the parties STIPULATE as
7 follows:

8 (i) Plaintiff shall designate in writing, file with the court, and serve upon all
9 other parties, the names of all experts that plaintiff proposes to tender at trial not later than **July**
10 **7, 2009**.

11 (ii) Within 15 days thereafter, and no later than **July 22, 2009**, Defendants
12 shall designate in writing, file with the court, and serve upon all other parties, the name of each
13 expert that they propose to tender at trial; and

14 (iii) If Defendants designate an expert for an area on which Defendants have
15 the burden of proof, within 15 days thereafter, and no later than **August 6, 2009**, Plaintiff may
16 designate a rebuttal witness.

17 (iv) All other dates and directives set forth in the September 9, 2008
18 Scheduling Order shall remain unchanged.

19 IT IS SO STIPULATED.

20 Dated: March __, 2009

LATHAM & WATKINS LLP

21 By _____
22 Brendan A. McShane
23 Attorneys for Plaintiff RYAN A. BARNES

24 Dated: March __, 2009

PORTER SCOTT, A Professional Corporation

25 By _____
26 Terence J. Cassidy
27 John R. Whitefleet
28 Glen A. Williams
Attorneys for Defendants COUNTY OF
SUTTER, SHERIFF JIM DENNEY,

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OFFICER WILLY MITCHELL, OFFICER
J. RUONA and SUTTER COUNTY
BOARD OF SUPERVISORS

ORDER

Having reviewed the above Stipulation, and good cause appearing therefore, IT IS
SO ORDERED.

April 8, 2009

/s/ Gregory G. Hollows

Magistrate Gregory G. Hollows, Magistrate of
the United States District Court for the Eastern
District of California

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