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Attorneys for Defendants and Third-Party Plaintiffs CARL D. and
DOROTHY OPPERUD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NEVA LEMA, CASE NO. 2:08-CV-00271-FCD-JFM
Civil Rights
Plaintiff,
v. **THIRD STIPULATION AND ORDER TO
CONTINUE DISCOVERY AND MOTION
DATES**
CARL D. and DOROTHY OPPERUD,
and DOES 1 through 15,
Inclusive,
Defendants.

TO THE COURT:

The parties continue to work toward a settled resolution
of this case and to complete the necessary discovery. They
have completed full written discovery, subpoenas of the
relevant medical records, and depositions of the parties.
However, the depositions of three primary, non-party eye-
witnesses to the incident remain outstanding. The parties have

1 been unsuccessful in locating these witnesses through
2 conventional means, and the Third-Party-Defendants FERNANDO and
3 MARIE THOMAS, who, at their deposition, promised to later
4 provide the witness addresses by correspondence, have now been
5 non-cooperative in responding to two separate written follow-
6 ups (whose delivery was tracked and confirmed). Consequently,
7 this information is now being sought formally from the THOMASES
8 by written interrogatory, and, as back up, the parties are
9 together moving to obtain the information through the
10 assistance of a private investigator.

11 To ensure timely completion of discovery, the parties need
12 and hereby request an approximate 90 day continuance of the
13 motion and discovery dates, with an approximate 60 day
14 continuance of the dispositive motions deadline, from the last
15 pretrial scheduling order, as follows:

| | | |
|----|------------------------------|--------------------------|
| 16 | Discovery Deadline: | February 4, 2010 |
| 17 | Expert Disclosure Due: | February 12, 2010 |
| 18 | Supplemental Disclosures: | March 1, 2010 |
| 19 | Expert Discovery Deadline: | April 8, 2010 |
| 20 | Dispositive Motions Hearing: | May 21, 2010 |
| 21 | Final Pretrial Conference: | July 16, 2010 at 2:30 PM |

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Jury Trial: September 28, 2010 at 9:00 AM
SO STIPULATED.


Dated: October 8, 2009 TIMOTHY S. THIMESCH
By: /s/ SIGNATURE AUTHORIZED
Attorneys for Plaintiff NEVA LEMA
and Cross-Defendant CLYDE LEMA

Dated: October 8, 2009 MCNAMARA, DODGE, NEY, BEATTY,
SLATTERY, PFALZER, BORGES &
BROTHERS LLP
By: /s/ SIGNATURE AUTHORIZED
GUY D. BORGES
WILLIAM L. MCCASLIN
Attorneys for Defendants
CARL D. OPPERUD and DOROTHY J.
OPPERUD

ORDER

IT IS SO ORDERED.

Date: October 8, 2009


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE