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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
11 SACRAMENTO DIVISION

12  
13 **SHERIE LEMIRE,**

14 Plaintiff,

15 v.

16 **CALIFORNIA DEPARTMENT OF**  
17 **CORRECTIONS AND**  
18 **REHABILITATION,**

19 Defendants.

No. 2:08-cv-00455 GEB-EFB

**STIPULATION AND PROPOSED  
ORDER FOR THREE-WEEK  
EXTENSION OF DEADLINE TO  
COMPLETE EXPERT DISCOVERY**

20  
21 Under Federal Rule of Civil Procedure 16(b)(4) and Local Rule 143, the parties, through  
22 their counsel of record, agree to and request a three-week continuance of the deadline current to  
23 complete expert discovery that is currently set for October 29, 2014. (See Order (3/3/14) at 2:1-2,  
24 ECF No. 138.) Good cause exists to grant this stipulation because Plaintiff's counsel has an  
25 ongoing family medical emergency that requires her attention, and she is unavailable for  
26 deposition in the time remaining before the deadline.

27 A scheduling order may be modified only upon a showing of good cause and by leave of  
28 Court. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975

1 F.2d 604, 609 (describing the factors a court should consider in ruling on such a motion). In  
2 considering whether a party moving for a schedule modification has good cause, the Court  
3 primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at  
4 609 (citing Fed. R. Civ. P. 16 advisory committee’s notes of 1983 amendment). “The district  
5 court may modify the pretrial schedule ‘if it cannot reasonably be met despite the diligence of the  
6 party seeking the amendment.’” *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983  
7 amendment).

8 Plaintiff’s counsel, Geri Green, has an ongoing medical situation involving her ill father  
9 that has required her to be away from her office for the remainder of the month. Thus, she has  
10 been unable to provide defense counsel with a date for the deposition of Plaintiff’s economist.  
11 Defendants do not believe the deposition will last more than two hours. The parties have agreed  
12 to a three-week extension to complete expert discovery. The parties do not believe that the  
13 requested extension will affect the remaining scheduling deadlines. For these reasons, the parties  
14 request an extension of the of the expert-discovery deadline to November 19, 2014.

15 Dated: October 28, 2014

Respectfully submitted,

16 KAMALA D. HARRIS  
17 Attorney General of California  
18 CHRISTOPHER J. BECKER  
19 Supervising Deputy Attorney General

20 */s/ Diana Esquivel*

21 DIANA ESQUIVEL  
22 Deputy Attorney General  
23 *Attorneys for Defendants*

24 Dated: October 28, 2014

LAW OFFICES OF GREEN & GREEN, LLP

25 */s/ Geri Lynn Green*

26 GERI LYNN GREEN  
27 *Attorneys for Plaintiff*

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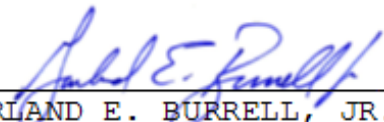
**ORDER**

Good cause appearing, the parties' stipulated request for a three-week extension of time to complete expert discovery is granted.

Expert discovery shall be completed by November 19, 2014.

IT IS SO ORDERED.

Dated: October 29, 2014

  
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GARLAND E. BURRELL, JR.  
Senior United States District Judge