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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 TWO-DAY 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 two-day extension of the deadline to complete
23 expert discovery that is currently set for November 19, 2014, based on the parties' prior request
24 for an extension. (*See* Order (10/30/14) at 3:2-5, ECF No. 145.) Good cause exists to grant this
25 stipulation because the only available date Plaintiff's expert witness is available for deposition
26 during the week of November 17 is November 21, 2014.

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, had an ongoing medical situation involving her ill father
9 that required the parties to request a three-week extension of the expert discovery deadline, which
10 the Court granted. (ECF Nos. 144-145.) Despite the parties’ best efforts to complete expert
11 discovery by November 19, as ordered by the Court, Plaintiff’s economist was not available
12 before that date, and the earliest date he is available is November 21. Defendants have scheduled
13 his deposition for that date, secured a location and reporter, and are ready to proceed with the
14 deposition. The parties do not believe that this short extension will affect the remaining
15 scheduling deadlines. For these reasons, the parties request an extension of the expert-discovery
16 deadline to November 21, 2014.

17 IT IS SO STIPULATED.

18 Dated: November 19, 2014

Respectfully submitted,
LAW OFFICES OF GREEN & GREEN, LLP

19
20 /s/ *Geri Lynn Green*

21 GERI LYNN GREEN
Attorneys for Plaintiff

22
23 Dated: November 19, 2014

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24
25 /s/ *Diana Esquivel*

26 DIANA ESQUIVEL
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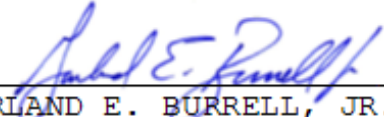
ORDER

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

Expert discovery shall be completed by November 21, 2014.

IT IS SO ORDERED.

Dated: November 20, 2014



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