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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM BARKER

Plaintiff,

No. 2:08-cv-1160 WBS KJN (TEMP) P

vs.

SUSAN L. HUBBARD, et al.

Defendants.

ORDER

Plaintiff is a state prisoner proceeding with counsel and in forma pauperis, with claims alleged under the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12131, *et seq.*, and under state law. This case come before the court on motion by plaintiff to vacate the scheduling order entered December 20, 2010.

Plaintiff seeks an extension of time in which to conduct discovery. Good cause appearing, that extension will be granted, but not to the extent requested. The time for non-expert related discovery shall be extended by 120 days. Subsequent time will be allowed for designation of experts, rebuttal experts, and expert-related discovery.¹ Plaintiff also will have

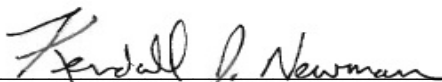
¹ Plaintiff’s court-appointed counsel is reminded to submit a statement of costs for experts for court approval before formally committing plaintiff to the retention of any experts.

1 one month in which to submit an amended complaint, if he so chooses.²

2 Accordingly, IT IS ORDERED that the scheduling order in this case is amended
3 as follows:

- 4 1. Non-expert related discovery will conclude no later than August 26, 2011.
- 5 2. All parties will designate experts no later than September 25, 2011.
- 6 3. All parties will designate rebuttal experts no later than October 25, 2011.
- 7 4. Expert related discovery will conclude no later than November 24, 2011.
- 8 5. All pre-trial motions will be filed no later than January 23, 2012.
- 9 6. If plaintiff chooses to file a second amended complaint, it is due no later than
10 May 30, 2011.
- 11 7. The Clerk of Court is directed to send counsel forms for the parties to consent
12 or decline the magistrate judge's jurisdiction for all purposes. The parties will return those
13 forms, completed, no later than May 20, 2011.
- 14 8. Plaintiff's motion to vacate the scheduling order (Docket No. 65) is denied as
15 moot.

16 DATED: April 29, 2011

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19 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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25 ² The parties are encouraged to cooperate toward the goal of filing a second amended
26 complaint by stipulation, such that defendants' answer to the first amended complaint can also be
stipulated as the defendants' effective response to the second amended complaint.