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 10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

12  
 13 Michael Aaron Jayne,  
 14 Plaintiff,  
 15 vs.  
 16 Tom Bosenko, et al.,  
 17 Defendants.

)  
 ) Case No.: 2:08-cv-02767-TLN-EFB  
 )  
 ) **STIPULATION AND [PROPOSED]**  
 ) **ORDER TO EXTEND DISCOVERY**  
 ) **DEADLINE AND RESETTING STATUS**  
 ) **CONFERENCE**  
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 22 On April 15, 2015, the Court entered an order in this action which, among other things,  
 23 extended the deadline for completion of expert witness depositions and for written discovery  
 24 regarding the disciplinary diet claim until October 13, 2015, and set a status conference for  
 25 October 28, 2015, at 10:00 a.m. See ECF No. 180, at 2.

26 Pursuant to Local Rule 143 the parties ask the Court to extend the date for completion of  
 27 expert witness depositions and for written discovery regarding the disciplinary diet claim until  
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1 November 16, 2015, and to reschedule the status conference in this matter to November 18,  
2 2015, at 10:00 a.m.

3 A scheduling order may be modified upon a showing of good cause. Good cause exists  
4 when the moving party demonstrates that it cannot meet the schedule despite exercising due  
5 diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

6 Despite the exercise of due diligence, the parties require this extension of time to  
7 complete discovery. During the second week of September, Defendants produced an additional  
8 576 pages of documents relating to the disciplinary diet claim. Some of this material was only  
9 recently provided to counsel for Defendants. While many of these documents were produced  
10 before, they must all be carefully reviewed by counsel for plaintiff and plaintiff's expert to  
11 properly prepare for the depositions in this matter. The parties have now agreed that depositions  
12 of Defendant Ashmun and a fact witness, David Sokol, will take place on November 4, 2015,  
13 and that expert witness depositions will take place on or before November 16, 2015.

14 The parties respectfully ask that this Stipulation be entered as an order of the Court.

15 Respectfully submitted,

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17 */S/ Carter C. White*

18 Dated: September 29, 2015

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19 Carter C. White  
20 Supervising Attorney

*Counsel for Plaintiff, Michael Aaron Jayne*

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22 */S/ Gary Brickwood*

23 Dated: September 29, 2015

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24 Gary Brickwood  
25 Brickwood Law Office

*Counsel for Defendants*

**ORDER**

The deadline for completion of expert witness depositions and for written discovery regarding the disciplinary diet claim is extended until November 16, 2015. The status conference of October 28, 2015, is hereby rescheduled to November 18, 2015, at 10:00 a.m.

IT IS SO ORDERED.

Dated: October 5, 2015.



EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE

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