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7 IN THE UNITED STATES DISTRICT COURT
 8 EASTERN DISTRICT OF CALIFORNIA

9 ALBERT HACKETT and DALANEA)
 10 HACKETT,)
 11 Plaintiffs,)
 12 vs.)
 13 UNITED STATES OF AMERICA,)
 14 Defendants.)

No. 2:09-cv-00240 GEB JFM
**STIPULATION TO MODIFY SCHEDULING
 ORDER AND ORDER THEREON**
 Complaint Filed: January 27, 2009
 Trial Date: November 9, 2010

15
 16 COMES NOW Plaintiffs Albert and Dalanea Hackett and Defendant United States of America,
 17 by and through their counsel of record, and hereby STIPULATE to modify the scheduling order to
 18 postpone the exchange of expert disclosures from November 2, 2009 until January 29, 2010. This
 19 requested change is based on the fact that the parties have now completed the exchange of written
 20 discovery and seek to mediate this action to determine if settlement can be reached prior to incurring the
 21 expense associated with lengthy party, percipient witness, and treating physician depositions, which
 22 should be taken prior to the exchange of expert disclosures in this case given Plaintiff's nearly million
 23 dollar administrative claim. The parties agree that settlement is more likely to occur if the time, energy
 24 and monies can be directed toward settlement efforts and not ongoing discovery and expert issues.

25 The parties have not previously requested any changes to the May 5, 2009 Scheduling Order and
 26 do not currently anticipate requesting any other Scheduling Order changes. The proposed change in the
 27 expert disclosure date will not impact any of the other scheduled dates. Specifically, discovery does not
 28 cutoff until April 7, 2010 and thus an expert exchange on January 29, 2010 will not impact the close of

1 discovery or the scheduled pretrial motion, pretrial conference or trial dates. Thus, the only proposed
2 change to the scheduling order is the date of expert exchange and all other dates and requirements of the
3 order are unaffected.

4 IT IS SO STIPULATED.

5 DATED: September 16, 2009

LAW OFFICE OF DARRIN W. MERCIER

7 By: /s/ Darrin W. Mercier
DARRIN W. MERCIER
8 Attorney for Plaintiffs

9 DATED: September 16, 2009

LAWRENCE G. BROWN
10 United States Attorney

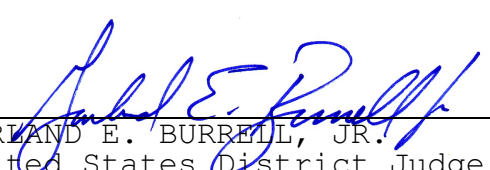
11 By: /s/ Kelli L. Taylor
12 KELLI L. TAYLOR, Assistant U.S. Attorney
13 Attorneys for the United States

14 **[PROPOSED] ORDER**

15 Pursuant to the parties' stipulation, and for good cause shown, the court hereby GRANTS
16 the request for a modification of the April 5, 2009 Scheduling Order and Orders that expert
17 disclosures shall now be continued from November 2, 2009 until January 29, 2010. All other
18 dates and conditions in the scheduling order are unchanged.

19 IT IS SO ORDERED:

20 Dated: September 18, 2009

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

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