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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 TROY GABRIELSON, et al.,	)	CASE NO. 2:09-CV-00538-FCD-KJM
	)	
12 Plaintiffs,	)	
	)	
13 vs.	)	<b>ORDER TO MODIFY</b>
	)	<b>PRETRIAL SCHEDULING ORDER</b>
14 UNITED STATES POSTAL SERVICE,	)	
et al.,	)	
	)	
15 Defendants.	)	
16 _____	)	

17  
18 COMES NOW THE PARTIES by and through their respective attorneys and subject to  
19 the approval of this Court, hereby agree to and respectfully request the below modifications  
20 and/or amendments to this Court's May 1, 2009 Status (Pretrial Scheduling) Order. Docket  
21 Entry ("DE") 5 and February 17, 2010 Amended Scheduling Order, DE 16. The undersigned  
22 have all agreed to propose these joint requests.

23 The parties contend there is good cause for this request for the following reasons:

- 24 1) As previously set forth in the parties February 16, 2010 proposed stipulation and order,  
25 DE 15, the prosecution of this matter has been greatly hindered by the lack of  
26 cooperation of Plaintiffs' former attorney Rik Barsotti.
- 27 2) As a result of Mr. Barsotti's repeated refusal to cooperate and communicate with his  
28 clients, Plaintiffs' were forced to report Mr. Barsotti to the State Bar of California.

1 Plaintiff Gabrielson even served Mr. Barsotti with a subpoena for his file. The refusal of  
2 Mr. Barsotti to cooperate and communicate with his former clients has prejudiced all of  
3 the parties and has prevented the full and fair discovery of this case. After considerable  
4 effort and intercession by the State Bar of California, Mr. Barsotti only recently turned  
5 over the files to Plaintiffs.

6 3) The parties need additional time to digest the information produced by Mr. Barsotti,  
7 conduct additional depositions, locate witnesses and evaluate the need for experts. For  
8 instance, Plaintiffs both assert claims for lost business income. The documentation  
9 supporting these claims was in the sole possession of Mr. Barsotti.

10 4) In addition to the above, Counsel for Plaintiff Bowen will be unavailable for six weeks  
11 beginning June 25 for medical reasons, thus necessitating the modification of the  
12 existing scheduling dates.

13 5) The parties agree that this matter is not amenable to a motion for summary judgment;  
14 hence the dispositive motion deadline is not an issue.

15 6) The parties submit that this request is made for good cause and not for delay.

16 The proposed modifications to the scheduling order are as follows:

- 17 ● That the discovery cut-off date set for May 17, 2010, be moved to October 1,  
18 2010.
- 19 ● That the deadline for expert disclosure set for June 1, 2010, be moved to  
20 November 1, 2010.
- 21 ● That the deadline for supplemental expert disclosure set for June 21, 2010, be  
22 moved to November 21, 2010.
- 23 ● That the deadline for completion of all expert discovery set for July 22, 2010 be  
24 moved to December 7, 2010.
- 25 ● That the pretrial conference be moved from September 17, 2010 to January 7,  
26 2011 at 2:00 p.m.
- 27 ● That the trial be moved from November 30, 2010 to March 1, 2011.

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MORENO & RIVERA

*/s/ Jonathan B. Paul* (authorized on 4/27/10)

DATED: April 27, 2010

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JONATHAN B. PAUL  
Attorney for Plaintiff Troy Gabrielson

BARR & MUDFORD, LLP

*/s/ John D. Barr* (authorized on 4/27/10)

DATED: April 27, 2010

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JOHN D. BARR  
Attorney for Plaintiff Allan T. Bowen

UNITED STATES ATTORNEY'S OFFICE

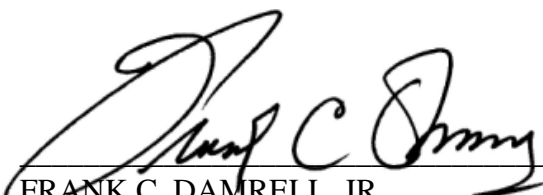
*/s/ Jason Ehrlinspiel* (authorized on 4/27/10)

DATED: April 27, 2010

\_\_\_\_\_  
JASON EHRLINSPIEL  
Assistant U.S. Attorney  
Attorney for Defendant United States  
Postal Service

**IT IS SO ORDERED.**

DATED: April 27, 2010

  
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FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE