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8 Attorneys for Plaintiff
 9 TROY GABRIELSON

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

13 TROY GABRIELSON, et al.,)	CASE NO. 2:09-CV-00538-FCD-KJM
)	
14 Plaintiffs,)	STIPULATION AND ORDER TO
)	MODIFY PRETRIAL SCHEDULING
15 vs.)	ORDER
)	
)	
17 UNITED STATES POSTAL SERVICE, et)	
18 al.,)	
)	
19 Defendants.)	

20 COMES NOW THE PARTIES by and through their respective attorneys and subject to
 21 the approval of this Court, hereby agree to and respectfully request the below modifications
 22 and/or amendments to this Court’s April 27, 2010 (Pretrial Scheduling) Order (Docket No. 19).

23 The undersigned have all agreed to propose these joint requests.

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

- 25 1) Plaintiff Troy Gabrielson underwent an MRI and subsequent discogram on July 29, 2010
 26 and September 23, 2010 respectively. Said examinations reveal that Mr. Gabrielson has
 27 a left paracentral C7-T1 disc protrusion.
- 28 2) Mr. Gabrielson is currently under the care of Phillip Orisek, M.D., Orthopedic Surgeon.

1 Dr. Orisek's office had indicated that surgical intervention is warranted for Mr.
2 Gabrielson's injury and is in the process of pre-approving the procedure through Blue
3 Shield, Mr. Gabrielson's medical insurance provider.

4 3) Dr. Orisek's office has indicated that the pre-approval process will take approximately
5 one month following which Mr. Gabrielson can undergo surgery as soon as possible.

6 4) Dr. Orisek's office has indicated that Mr. Gabrielson should be functional within six
7 weeks of his surgery although complete healing from the procedure could take
8 approximately six months.

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

11 6) The parties submit that this request is made for good cause and not solely for delay. The
12 proposed modifications to the scheduling order are as follows:

- 13 ● That the discovery cut-off date set for October 1, 2010, be moved to December
14 31, 2010.
- 15 ● That the deadline for expert disclosure set for November 1, 2010, be moved to
16 January 31, 2011.
- 17 ● That the deadline for supplemental expert disclosure set for November 21, 2010,
18 be moved to February 2, 2011.
- 19 ● That the deadline for completion of all expert discovery set for December 7, 2010
20 be moved to March 7, 2011.
- 21 ● That the pretrial conference be moved from January 7, 2011 to April 7, 2011 at
22 2:00 p.m.
- 23 ● That the bench trial be moved from March 1, 2011 to May 30, 2011.

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25 MORENO & RIVERA
26 /s/ Jonathan B. Paul

27 DATED: September 28, 2010

28 JONATHAN B. PAUL
Attorney for Plaintiff Troy Gabrielson

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BARR & MUDFORD, LLP

/s/ John D. Barr (authorized on 9/29/10)

DATED: September 29, 2010

JOHN D. BARR
Attorney for Plaintiff Allan T. Bowen

UNITED STATES ATTORNEY'S OFFICE

/s/ Jason Ehrlinspiel (authorized on 9/29/10)

DATED: September 29, 2010

Jason Ehrlinspiel
Assistant U.S. Attorney
Attorney for Defendant United States
Postal Service

IT IS HEREBY ORDERED that the Pretrial Scheduling Order is modified as follows:

- That the discovery cut-off date set for October 1, 2010, be moved to December 31, 2010.
- That the deadline for expert disclosure set for November 1, 2010, be moved to January 31, 2011.
- That the deadline for supplemental expert disclosure set for November 21, 2010, be moved to February 21, 2011.
- That the deadline for completion of all expert discovery set for December 7, 2010 be moved to March 7, 2011.
- That the pretrial conference be moved from January 7, 2011 to **April 8, 2011 at 2:30 p.m.**
- That the bench trial be moved from March 1, 2011 to **June 7, 2011, at 9:00 a.m.**

Dated: September 30, 2010



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE