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 8 Attorneys for Defendants, County of Sacramento,
 9 Sheriff John McGinness, AnnMarie Boylan,
 10 Tom Smith, M.D., Asa Hambly, M.D., and Hank Carl, R.N.

11 **UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**

13 SANDIPKUMAR TANDEL,

14 Plaintiff,

15 vs.

16 COUNTY OF SACRAMENTO, et al.,

17 Defendants.

CASE NO. 2:09-cv-00842 MCE GGH

**STIPULATION AND ORDER
 MODIFYING PRETRIAL
 SCHEDULING ORDER**

18 The undersigned parties, which includes all parties to the above-entitled action, through
 19 counsel, hereby STIPULATE and AGREE and jointly respectfully request modification of the
 20 Court’s March 18, 2010 Pretrial Scheduling Order, for good cause as discussed herein.

21 In its March 18, 2010 Pretrial Scheduling Order, the Court set forth discovery deadlines
 22 as follows:

23 Non-Expert Discovery: completed by May 19, 2011

24 Parties’ designation of expert witnesses: completed by July 18, 2011

25 Parties’ designation of rebuttal expert witnesses: completed by August 18, 2011

26 Deadline for filing dispositive motions: July 14, 2011

27 Final Pretrial Conference: January 26, 2012, 2:00 p.m.

28 Trial: March 19, 2012

1 The designation and preparation of expert witnesses requires that Plaintiff's and Defendants'
2 expert witnesses have access to a complete record of discovery, including the complete
3 depositions of Plaintiff, various custody staff and certain of Plaintiff's medical providers.
4 Furthermore, Defendants' experts must perform an independent medical evaluation of Plaintiff,
5 which will provide Defendants experts information for their use in establishing Plaintiff's
6 disability and future medical and rehabilitation needs.

7 Plaintiff has been diagnosed with Neuromyelitis Optica (NMO), an autoimmune,
8 inflammatory disorder that attacks the optic nerves and spinal cord. When Defendants first
9 attempted to notice Plaintiff's deposition in November of 2009, Defendants were informed that
10 Plaintiff was too ill to provide testimony at that time. When the scheduling of Plaintiff's
11 deposition resumed, Defendants were informed that due to Plaintiff's medical condition,
12 Plaintiff's deposition must be limited to 1-2 hour sessions. After all parties met and conferred
13 for the first three sessions of Plaintiff's deposition, Defendants noticed Plaintiff's deposition for
14 March 23-25, 2010 for an hour to two hours each session. Because Plaintiff was re-incarcerated
15 the day before his scheduled deposition, Plaintiff's deposition did not go forward.

16 Defendants took the first session of Plaintiff's deposition on April 14, 2010 and the
17 second session on May 5, 2010. On May 10, 2010, plaintiff suffered a recurrence of NMO and
18 was hospitalized. The third session of Plaintiff's deposition was completed on September 6,
19 2010. Since April 14, 2010, Defendants have completed four sessions and anticipate one more
20 session to complete Plaintiff's deposition.

21 During the fourth session of Plaintiff's deposition on January 31, 2011, when Defendants
22 were making arrangements to complete Plaintiff's deposition and have Plaintiff scheduled for an
23 independent medical evaluation, Defendants were informed that Plaintiff was leaving the country
24 to seek additional medical treatment in India and would not return to the United States until May
25 26, 2011. As a result, the parties agreed to modify the scheduling order to accommodate
26 Plaintiff's medical treatment and Defendants' independent medical evaluation of Plaintiff and
27 subsequent expert work-up of the case.

1 The parties hereby request and stipulate that the Court's March 18, 2010 Pretrial
2 Scheduling Order be modified as follows:

3 Non-expert Discovery: completed by July 18, 2011

4 Parties' designation of expert witnesses: completed by September 19, 2011

5 Parties' designation of rebuttal expert witnesses: completed by October 10, 2011

6 Dispositive Motions

7 Plaintiff's dispositive motion: filed by 4:00 p.m. on October 27, 2011

8 Defendants' opposition and cross motion: filed by 4:00 p.m. on November 17,
9 2011

10 Plaintiff's reply and opposition: filed by 4:00 p.m. on December 22, 2011

11 Defendants' reply: filed by 4:00 p.m. on January 12, 2012

12 Hearing on Dispositive motions: by 2:00 p.m. on January 19, 2012

13 Joint Final Pretrial Statement: filed by April 12, 2012

14 Trial Brief: filed by April 19, 2012

15 Evidentiary or Procedural Motions: filed by April 26, 2012

16 Opposition: filed by May 10, 2012

17 Reply: filed by May 17, 2012

18 Final Pretrial Conference: on May 24, 2012 at 2:00 p.m.

19 Trial: June 25, 2012

20 **IT IS SO STIPULATED.**

21 Date: April 6, 2011

LAW OFFICES OF GERI LYNN GREEN, LC

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By: /s/ Geri Lynn Green _____.

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GERI LYNN GREEN

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Attorney for Plaintiff

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Date: April 6, 2011

LONGYEAR, O'DEA & LAVRA, LLP

By: /s/ Jennifer Marquez

JENNIFER MARQUEZ
Attorney for Defendants County of
Sacramento, Sheriff John McGinness,
AnnMarie Boylan, Tom Smith, M.D., Asa
Hambly, M.D., and Hank Carl, R.N.

Date: April 6, 2011

PORTER SCOTT

By: /s/ Norm Prior

NORM PRIOR
Attorney for Defendants
Evalyn Horowitz, MD and
Chris Smith, MD

ORDER

Based on the foregoing stipulation of the parties, and good cause appearing therefor, the currently scheduled trial date of March 19, 2012 is hereby continued to June 25, 2012 at 9:00 a.m. in Courtroom 7. An amended Pretrial Scheduling Order will be issued setting forth other applicable deadlines consistent with that continued trial date.

IT IS SO ORDERED.

DATED: April 19, 2011



MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE