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 9 David Allen Pust

7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**

10 DAVID ALLEN PUST,
 11 Plaintiff,

12 vs.

13 CITY OF PLACERVILLE; GEORGE
 14 NEILSEN, individually and in his
 15 official capacity as Chief of
 16 Placerville Police's Department;
 17 Placerville Police Officer JASON
 18 ALGER; Placerville Police Officer
 19 MICHAEL ELLEDGE; Placerville
 20 Police Officer BEN SCHOLTZ;
 21 COUNTY OF EL DORADO; JEFF NEVES
 22 individually and in his official
 23 capacity as Sheriff of the El
 24 Dorado County Sheriff's
 25 Department; El Dorado County
 26 Sheriff Deputy JOHN ROBERTSON,
 27 Does 1 through 10.

28 Defendants.

) Case No. 2:09-CV-02730-MCE-JFM
)
)

) **STIPULATION OF THE PARTIES TO**
) **EXTEND TIME FOR DISCLOSURE OF USE**
) **OF FORCE EXPERT REPORT AND**
) **DECLARATION**

) COMPLAINT FILED: 9/30/09
) TRIAL DATE: 1/30/12

24 ///
 25 ///
 26 ///

1 IT IS HEREBY STIPULATED BETWEEN THE PARTIES HERETO, AND THROUGH
2 THEIR RESPECTIVE COUNSEL:

3 The parties hereby stipulate that the Plaintiff's Use of Force
4 Expert's report and necessary declaration may be filed 10 days later
5 than required, on or prior to June 10, 2011, as a result of good
6 cause.

7 The good cause for the extension of time for the report is as
8 follows:

9 The Plaintiff's Use of Force expert Barry v. Brodd of BVB &
10 Associates, was unable to complete the report because on Saturday May
11 21, 2011 he had to travel to North Carolina to visit his seriously
12 elderly aunt/godmother who was entering into hospice care. He will
13 not return to California until June 7, 2011. The expert has reviewed
14 the materials and states that he will have the report completed by
15 June 10, 2011.
16

17 Pursuant to the courts scheduling order dated February 2, 2010
18 the disclosure of experts, and accompanying written reports were due
19 not later than May 31, 2011.

20 Through this stipulation the parties hereby agree that the
21 Plaintiff's Use of Force Expert's report and necessary declaration
22 may be filed 10 days later, on or prior to June 10, 2011.

23 Dated: 5/27/11

LAW OFFICE OF PETER B. TIEMANN

24
25 By: /s/Peter B. Tiemann
26 PETER B. TIEMANN,
27 Attorney for Plaintiff,
28 DAVID PUST

1 Dated: 5/30/11 **FERGUSON, PRAET & SHERMAN, PC**

2 By: /s/Bruce Praet
3 Bruce Praet
4 Attorney for Defendants,
5 CITY OF PLACERVILLE, GEORGE
6 NEILSEN, MICHAEL ELLEDGE, AND
7 BEN SCHOLTZ

8 Dated: 5/30/11

9 **TONON AND ASSOCIATES**

10 By: /S/Gail Tonon
11 Gail Tonon
12 Attorney for Defendant,
13 JASON ALGER

14 Dated: 5/30/11


15 **CAULFIELD, DAVIES & DONAHUE, LLP**

16 By: /S/Andrew T. Caulfield
17 Andrew T. Caulfield
18 Attorney for Defendants, COUNTY OF
19 EL DORADO, JEFF NEVES AND JOHN
20 ROBERTSON

21 **ORDER**

22 Based on the foregoing Stipulation and good cause appearing
23 therefor, IT IS HEREBY ORDERED that the Plaintiff's Use of Force
24 Expert's report and necessary declaration may be filed 10 days later,
25 on or prior to June 10, 2011, as a result of good cause in the above-
26 entitled action with leave of Court.

27 Date: June 7, 2011

28 
MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE