Mesa, et al
Doc. 89

King Hall Civil Rights Clinic
Carter C. White, SBN 164149
U.C. Davis School of Law

One Shields Avenue, Bldg. TB-30
Davis, CA 95616-8821
Telephone: (530) 752-5440
Fax: (530) 752-5788
ccwhite@ucdavis.edu
Attorney for Plaintiff
Javiad Akhtar
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Javiad Akhtar,
Plaintiff,
v.
J. Mesa, et al.,

Defendants.
) No. 2:09-cv-2733-MCE-AC
STIPULATION AND [PROPOSED] ) REVISED SCHEDULING ORDER

Pursuant to Local Rule 143 the parties ask the Court to revise the scheduling order by postponing the deadline for joinder of additional parties for 21 days, from January 27, 2014, to February 17, 2014.

A scheduling order may be modified upon a showing of good cause. Good cause exists when the moving party demonstrates that it cannot meet the schedule despite exercising due diligence. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992).

Despite the exercise of due diligence, the Plaintiff requires a short extension of time to determine whether additional parties should be joined.

The parties have exchanged initial disclosures and the plaintiff has taken four depositions. Key documentation regarding Plaintiff's initial assignment to dormitory housing has not been located, apparently due to the passage of time before discovery could commence in this action. Plaintiff plans to take three additional depositions before the new deadline for joinder of parties. The plaintiff is represented by the UC Davis Civil Rights Clinic and the assigned certified law students were not available during December 2013 and early January 2014 due to the academic calendar. Furthermore, opposing counsel was away on medical leave in early January, delaying communication regarding upcoming discovery plans. For these reasons, the plaintiff needs additional time to conduct fact discovery by taking additional deposition testimony of potential defendants and non-party witnesses.

The parties respectfully ask that this Stipulation be entered as an order of the Court.
Respectfully submitted,

## /S/ Carter C. White

Dated: January 24, 2014
Carter C. White
Supervising Attorney
Charlie Chin
Jaewon Lee
Certified Law Students

Counsel for Plaintiff, Javiad Akhtar

## /S/ Diana Esquivel

Dated: January 24, 2014
Diana Esquivel
Deputy Attorney General
Counsel for Defendants J. Mesa, S. Turner, C. Ward, L. Ward, Jr., and R. Ward

IT IS SO ORDERED:
The deadline for joinder of parties is extended to February 17, 2014.

Date: January 27, 2014


