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

JOHN PRUITT; JOHN PRUITT, JR., a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; PHILLIP PRUITT, a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; MICHAEL PRUITT, a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; ISAIAH PRUITT, a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; DARRYL BERG; and DEBRA BERG,

Plaintiffs,

v.

COUNTY OF SACRAMENTO;
 Sacramento County Sheriff's Department
 Sheriff JOHN McGINNESS; Sergeant
 SANTOS RAMOS; Detective SEAN
 BERRY; Detective BRAD ROSE; Detective
 RANDY MOYA; Detective JACQUELINE
 KLOSS; Detective KEVIN STEED;
 Detective STEVE WHARTON; Probation
 Officer TIMOTHY RUIZ; Deputy
 THOMAS LYNN; Deputy CRAIG
 HARMON; and DOES 1-100, inclusive,

Defendants.

Case No.: 2:10-cv-00416-WBS-KJN

**JOINT STIPULATION AND ORDER
 TO MODIFY STATUS (PRE-TRIAL
 SCHEDULING) ORDER**

Complaint filed: 2/18/10
 First Amended: 5/12/10
 Second Amended: 10/4/10

IT IS HEREBY STIPULATED, AGREED and REQUESTED by and between Plaintiffs JOHN PRUITT; JOHN PRUITT, JR., a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; PHILLIP PRUITT, a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; MICHAEL PRUITT, a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; ISAIAH PRUITT, a minor, by and through his Guardian Ad Litem, his custodial parent John Pruitt; DARRYL BERG, and Defendants COUNTY OF SACRAMENTO; Sacramento County Sheriff's Department Sheriff JOHN MCGINNESS; Sergeant SANTOS RAMOS; Detective SEAN BERRY; Detective BRAD ROSE; Detective RANDY MOYA; Detective JACQUELINE KLOSS; Detective KEVIN STEED; Detective STEVE WHARTON; Probation Officer TIMOTHY RUIZ; Deputy THOMAS LYNN; Deputy CRAIG HARMON (collectively "Defendants"); by and through their respective counsel, that given the parties' efforts to schedule early mediation before the commencement of substantial discovery, the Court modify its Status (Pre-Trial Scheduling) Order such that all dates and deadlines be continued approximately 90 days, with the trial date continued approximately 120 days.

1. This case arises from the arrest, detention and subsequent prosecution of Plaintiffs John Pruitt and Darryl Berg. After briefing and hearings on Defendants' successive Motions to Dismiss the First Amended Complaint and Second Amended Complaint ("SAC"), respectively, the SAC became the operative pleading on February 3, 2011, when the Defendants filed and served their answers to the SAC. Counsel for Defendants then contacted counsel for Plaintiffs to schedule the deposition of Plaintiffs John Pruitt and Darryl Berg. At that time, the parties agreed to seek early mediation to determine if the parties could resolve the matter prior to the commencement of substantial discovery.

2. The parties agreed given the nature and complexity of the case and number of parties involved that discovery would be timely and costly, and that early mediation would therefore be an appropriate option to pursue. Accordingly, counsel for all parties commenced the search for a suitable mediator who had availability in early 2011.

3. During the month of February, counsel for all parties exchanged correspondence regarding potential mediators and available dates for early mediation. The parties were unable to select a mutually agreeable mediator with availability in late March or early April. On March 4, 2011, however, the parties were able to schedule mediation for May 16, 2011, with private mediator Jeffrey A. Ross, based in Oakland.

4. The applicable Status (Pre-Trial Scheduling) Order calls for all factual discovery to be completed on or before July 1, 2011. In order to allow the parties to proceed to early mediation without incurring the substantial time and costs associated with discovery which would be required to be completed by July 1, 2011, the parties jointly request that the Court continue the discovery cut-off to Tuesday, October 30, 2011.

5. To properly facilitate a continuance of the discovery cut-off, the parties also jointly request the Court continue all pre-trial deadlines, as well as the trial date, approximately ninety (90) days.

6. The current Status (Pre-Trial Scheduling) Order sets the following deadlines:

Last Day to Disclose Expert Witnesses and Reports:	May 15, 2011
Last Day to Complete all Discovery:	July 1, 2011
Last Day to File Dispositive or Evidentiary Motions:	September 1, 2011
Final Pre-Trial Conference:	November 14, 2011
Trial:	January 10, 2012

7. Based on the good cause to continue the discovery cut-off to allow for early mediation, as discussed above, the parties propose the following deadlines:

Last Day to Disclose Expert Witnesses and Reports: August 15, 2011
Last Day to Complete all Discovery: October 31, 2011
Last Day to File Dispositive or Evidentiary Motions: December 1, 2011
Final Pre-Trial Conference: February 13, 2012
Trial: May 8, 2012

Dated: March 7, 2011

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RUIZ, THOMAS LYNN, and CRAIG
HARMON

Dated: March 7, 2011

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Dated: March 7, 2011

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custodial parent John Pruitt; PHILLIP
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John Pruitt; MICHAEL PRUITT, a minor,
by and through his Guardian Ad Litem, his
custodial parent John Pruitt; ISAIAH
PRUITT, a minor, by and through his
Guardian Ad Litem, his custodial parent
John Pruitt; DARRYL BERG

ORDER

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby grants the parties' stipulated request to modify the Status (Pre-Trial Scheduling) Order. The new dates are as follows:

Last Day to Disclose Expert Witnesses and Reports:	August 15, 2011
Last Day to Complete all Discovery:	October 31, 2011
Last Day to File Dispositive or Evidentiary Motions:	December 1, 2011
Final Pre-Trial Conference:	<u>February 21, 2012 at 2:00 p.m.</u>
Trial:	<u>May 8, 2012 at 9:00 a.m.</u>

IT IS SO ORDERED.

Dated: March 9, 2011



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE