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22 Attorneys for Plaintiffs and Counter Defendants
23 Z.F, a minor, by and through his parents M.A.F. and J.F.
and M.A.F. and J.F individually; L.H. and J.H., minors,
24 by and through their parents J.A. and J.R.H. and J.A. and J.R.H. individually;
A.N., a minor, by and through his parents, G.N. and M.R.,
25 and G.N. and M.R. individually

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THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF CALIFORNIA

Z.F, a minor, by and through his parents M.A.F.)
and J.F. and M.A.F. and J.F individually; L.H.)
and J.H., minors, by and through their parents)
J.A. and J.R.H. and J.A. and J.R.H. individually;))
A.N., a minor, by and through his parents, G.N.)
and M.R., and G.N. and M.R. individually,)

Case No. 2:10-CV-00523-TLN-CKD

**STIPULATION AND ORDER TO
EXTEND THE DISCOVERY
DEADLINE FOR THE LIMITED
PURPOSE OF TAKING TWO
REMAINING DEPOSITIONS**

Plaintiffs, on behalf of)
themselves and all others)
similarly situated)

vs.)

RIPON UNIFIED SCHOOL DISTRICT,)
(RUSD); RIPON UNIFIED SCHOOL)
DISTRICT BOARD OF TRUSTEES,; SAN)
JOAQUIN COUNTY OFFICE OF)
EDUCATION; VALLEY MOUNTAIN)
REGIONAL CENTER (VMRC), MODESTO)
CITY SCHOOLS, MODESTO CITY)
SCHOOLS BOARD OF EDUCATION,)
RICHARD JACOBS, Executive Director of)
VMRC, in his official and individual capacity,)
TARA SISEMORE-HESTER, Coordinator for)
Autism Services for VMRC, in her official and)
individual capacity; VIRGINIA JOHNSON,)
Director of Modesto City Schools SELPA, in)
her official and individual capacity; SUE)
SWARTZLANDER, Program Director for)
Modesto City Schools, in her official and)
individual capacity and Does 1-200.)

Defendants.)

Pursuant to Civ. L.R. 144, and subject to approval of the Court, Plaintiffs Z.F, a minor,
by and through his parents M.A.F. and J.F. and M.A.F. and J.F individually; L.H. and J.H.,
minors, by and through their parents J.A. and J.R.H. and J.A. and J.R.H. individually; A.N., a
minor, by and through his parents, G.N. and M.R., and G.N. and M.R. individually (“Plaintiffs”)
and Defendants Modesto City Schools, Modesto City Schools Board of Education, Ripon
Unified School District, Ripon Unified School District Board of Trustees and San Joaquin
County Office of Education, and Valley Mountain Regional Center, Richard Jacobs, and Tara

1 Sisemore-Hester (“Defendants”) (collectively, the “Parties”) enter into the following stipulation
2 and respectfully request the Court’s acceptance of this stipulation:

3 1. WHEREAS, pursuant to the Court’s January 21, 2014 Amended Pretrial
4 Scheduling Order (“Scheduling Order”), the non-expert discovery deadline in this matter was
5 previously set for June 16;

6 2. WHEREAS, also pursuant to the Scheduling Order, the dispositive motion
7 deadline to hear dispositive motions is December 11, 2014, and the trial in this matter is
8 currently scheduled for May 18, 2015;

9 3. WHEREAS, the Parties previously agreed to place a stay on discovery pending
10 the outcome of the Mandatory Settlement Conference, held on March 20, 2014 before the
11 Honorable Magistrate Judge Allison Claire;

12 4. WHEREAS, the Parties were unable to resolve all claims at the March 20, 2014
13 Mandatory Settlement Conference, and since made diligent efforts to complete the discovery
14 previously agreed to be put on hold pending the outcome of the settlement conference;

15 5. WHEREAS, the Parties subsequently stipulated to, and this Court granted the
16 stipulation to extend the discovery deadline an additional 30 days to July 16, 2014 for the limited
17 purpose of completing five remaining depositions of Plaintiff and Counter-Defendant M.A.F.,
18 Plaintiff and Counter-Defendant J.A., Plaintiff J.F., non-party Shirley Nutt (“Nutt”), and
19 Counter-Claimant Tara Sisemore-Hester (“Sisemore-Hester”);

20 6. WHEREAS, during the time between the granting of the Parties’ stipulation and
21 the extended July 16, 2014, Plaintiffs’ counsel had a week-long trial which limited the available
22 days to complete the depositions. Further, due to a glitch in an email server, the majority of
23 emails sent from Plaintiffs’ counsel to counsel for the co-Defendants and Counter-Claimants was
24 not delivered and/or was unknowingly caught in SPAM filters, causing an unexpected and
25 unrealized miscommunication among counsel for all parties. Because counsel for the Parties
26 were unaware of this glitch for approximately one week following Plaintiffs’ counsel’s trial in
27 another matter, the Parties were unable to coordinate available dates to complete the depositions
28 as planned;

1 7. WHEREAS, the Parties have since worked diligently to schedule the remaining
2 depositions and have agreed to a schedule to complete them;

3 8. WHEREAS, Defendants and/or Counter-Claimants were able to depose J.F. and
4 M.A.F. on Tuesday, July 15, 2014, Plaintiffs have scheduled the deposition of Sisemore-Hester
5 for Wednesday July 23, 2014, Counter-Claimants have scheduled the deposition of J.A. for
6 Thursday July 24, 2014, and Counter-Claimants have agreed to forego the deposition of Nutt
7 (while reserving the right to depose her should information be revealed in any of the other
8 depositions indicating a need to take the deposition of Nutt);

9 9. WHEREAS, the Parties have met and conferred and have agreed good cause
10 exists to stipulate to a continuance of the non-expert discovery deadline until July 31, 2014 for
11 the limited purpose of completing the remaining depositions of Sisemore-Hester and J.A., and
12 potentially Nutt, if needed;

13 **NOW THEREFORE**, all Parties hereto stipulate and agree that the Court may enter an
14 Order extending the non-expert discovery deadline until July 31, 2014 for the limited purpose of
15 conducting the depositions of (1) Tara Sisemore-Hester and (2) J.A. only. The Parties also
16 stipulate and agree that, should any information be revealed in the remaining depositions causing
17 it to be necessary, Counter-Claimants shall reserve and have the right to depose non-party
18 Shirley Nutt on or before July 31, 2014.

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20 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

21
22 DATED: July 18, 2014

SEYFARTH SHAW LLP

23
24 By: /s/ Mathew J. Mason

G. Daniel Newland
Cassandra H. Carroll
Eric M. Lloyd
Matthew J. Mason

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26 Attorneys for Defendant
27 VALLEY MOUNTAIN REGIONAL
28 CENTER RICHARD JACOBS, and TARA
 SISEMORE-HESTER

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DATED: July 18, 2014

KRONICK MOSKOVITZ TIDEMANN &
GIRARD

By: /s/ Michelle L. Cannon
Michelle L. Cannon
Attorneys for Defendant
MODESTO CITY SCHOOLS, MODESTO
CITY SCHOOLS BOARD OF EDUCATION,

DATED: July 18, 2014

MCARTHUR & LEVIN, LLP

By: /s/ Rodney L. Levin
Rodney L. Levin
Attorneys for Defendant
RIPON UNIFIED SCHOOL DISTRICT,
RIPON UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES AND SAN
JOAQUIN COUNTY OFFICE OF
EDUCATION

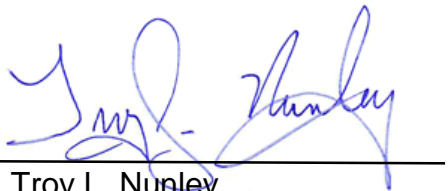
DATED: July 18, 2014

LEIGH LAW GROUP

By: /s/ Jay T. Jambeck
Jay T. Jambeck
Attorneys for Plaintiffs
Z.F, a minor, by and through his parents
M.A.F. and J.F. and M.A.F. and J.F
individually; L.H. and J.H., minors, by and
through their parents J.A. and J.R.H. and J.A.
and J.R.H. individually; A.N., a minor, by and
through his parents, G.N. and M.R., and G.N.
and M.R. individually

IT IS SO ORDERED.

Dated: July 22, 2014



Troy L. Nunley
United States District Judge