

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
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,

Plaintiffs, on behalf of themselves and all others similarly situated

v.

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.

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

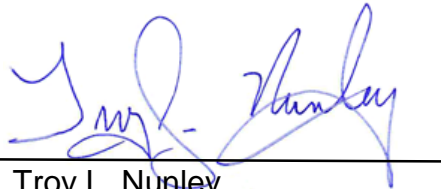
ORDER GRANTING PLAINTIFFS' MOTION TO AMEND THE PRETRIAL SCHEDULING ORDER TO EXTEND EXPERT DISCLOSURE DEADLINE

1 This matter is before the Court pursuant to Plaintiffs' Motion to Amend the Pretrial
2 Scheduling Order to Extend Expert Disclosure Deadline. (ECF No. 230.) Plaintiffs seek to
3 extend the expert disclosure deadline in order to use \$20,000 from the settlement proceeds to
4 retain expert witnesses as requested in Plaintiffs L.H. and J.H.'s Motion to Approve Settlement
5 via a Rule 68 Offer of Judgment of Minors' Claims Against Modesto City Schools. (ECF No.
6 213.) Federal Rule of Civil Procedure 16(b)(4) permits modification of the Scheduling Order for
7 good cause and with the judge's consent. The district court may modify the pretrial schedule "if
8 it cannot reasonably be met despite the diligence of the party seeking the extension." *See Johnson*
9 *v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

10 Given that the Plaintiffs are relying on this \$20,000 from the settlement to retain expert
11 witnesses and that the Plaintiffs' motion was still pending before the Court as the expert
12 disclosure deadline approached, the Court deems that Plaintiffs could not reasonably meet the
13 pretrial schedule despite due diligence. Furthermore, the Plaintiffs did also attempt to obtain
14 other financial resources to retain experts but were unable to do so. The Court finds that
15 Plaintiffs showed good cause to modify the Pretrial Scheduling Order. The Court hereby
16 GRANTS Plaintiffs' Motion to Amend the Pretrial Scheduling Order and extends the expert
17 disclosure deadline to 30 days from the date of the order approving the settlement.
18

19
20 IT IS SO ORDERED.

21 Dated: October 9, 2014

22
23 

24 Troy L. Nunley
25 United States District Judge
26
27
28