

1 **KERSHAW, CUTTER & RATINOFF, LLP**  
 2 C. BROOKS CUTTER, 121407  
 3 JOHN R. PARKER, JR., 257761  
 4 401 Watt Avenue  
 5 Sacramento, California 95864  
 6 Telephone: (916) 448-9800  
 7 Facsimile: (916) 669-4499  
 8 E-mail: [bcutter@kcrlegal.com](mailto:bcutter@kcrlegal.com)  
 9 E-mail: [jparker@kcrlegal.com](mailto:jparker@kcrlegal.com)

10 Attorneys for *Plaintiff*

11 **IN THE UNITED STATES DISTRICT COURT**  
 12 **EASTERN DISTRICT OF CALIFORNIA**

13 KEVIN POPPEN,  
 14  
 15 Plaintiff,

16 vs.

17 LIONEL FOSTER, M.D.; TERRI  
 18 WEINHOLDT; JALAL SALTANIAN-  
 19 NEDEH-IV, S. HEATLEY, T.  
 20 KIMURA-YIP; and K. McLEAN,  
 21 In Their Individual Capacities,  
 22  
 23 Defendants.

CASE NO.: 2:10-cv-00568-KJM-JFM

24 **STIPULATED REQUEST FOR RELIEF**  
 25 **FROM SCHEDULING ORDER AND**  
 26 **SCHEDULING ORDER**

27 Complaint Filed: March 10, 2010  
 28 Trial Date: September 12, 2012

Assigned to Judge Kimberly J. Mueller

29 Plaintiff Kevin Poppen and the above-named Defendants hereby ask the Court to continue  
 30 the fact discovery cut-off in this case to June 1, 2012, and continue the deadline for dispositive  
 31 motions to August 1, 2012. One previous request for an extension has been granted.

32 The parties and their counsel have been working diligently to resolve this case, and both  
 33 sides have agreed to mediation of this matter before Magistrate Judge Jennifer Thurston, who has  
 34 agreed to mediate this case through the Eastern District of California's Pro Bono Office. The first  
 35 available date for mediation with Magistrate Judge Jennifer Thurston is April 20, 2012, which  
 36 falls after the current fact discovery cut-off in this case, April 1, 2012. The parties and their  
 37 counsel believe that moving the discovery cut-off to a date after the first available date for  
 38

1 mediation will help conserve the resources of the parties and of the Court's Pro Bono Office and  
2 assist in the resolution of this matter.

3 Accordingly, the parties propose the following new case schedule:

4 Non-Expert Discovery Deadline: June 1, 2012  
5 Dispositive Motion Filing Deadline: August 1, 2012  
6 Expert Disclosures: Per F.R.Civ.P. 26  
7 Final Pretrial Conference: September 2012  
8 Trial: October 2012

9 Dated: March 5, 2012

Respectfully submitted,

11 By: /s/ C. Brooks Cutter

12 C. Brooks Cutter  
13 KERSHAW, CUTTER & RATINOFF, LLP  
14 Attorneys for Plaintiff

15 By: /s/ Shanan L. Hewitt

16 SHANAN HEWITT  
17 Attorney for Defendants

18 **JFM: I have drafted the order below, because we will not be able to do a pretrial  
19 conference in September 2012 and a trial in October 2012 if motions are not filed until  
20 August 1, 2012. Haven**

21 In view of the stipulation of the parties, and good cause appearing, IT IS HEREBY  
22 ORDERED that the deadline for completion of non-expert discovery is extended to June 1,  
23 2012, the deadline for filing dispositive motions is extended to August 1, 2012, and the  
24 disclosure of experts shall be in accordance with Fed. R. Civ. P. 26. The dates for pretrial  
25 conference and jury trial will be set, as appropriate, by subsequent order of court.

26 Dated: March 12, 2012

27 **Date: 3/12/2012**

28   
UNITED STATES MAGISTRATE JUDGE