

1 BENJAMIN B. WAGNER
2 United States Attorney
3 JASON EHRLINSPIEL
4 Assistant U.S. Attorney
5 501 I Street, Suite 10-100
6 Sacramento, California 95814
7 (916) 554-2743 Direct
8 (916) 554-2900 Facsimile
9 Attorneys for the United States
10

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13

14 AUDREY RUF Individually and as
15 Successor In Interest to THE ESTATE
16 OF DANIEL ROBERT RUF,

17 Plaintiff,

18 v.

19 THE UNITED STATES OF AMERICA

20 Defendant.
21

Case No.: 2:10-cv-00923 JAM-KJN

**APPLICATION AND ORDER TO
MODIFY PRETRIAL SCHEDULING
ORDER**

22 Plaintiff AUDREY RUF and Defendant The UNITED STATES OF AMERICA, of
23 the above-entitled action, hereby agree to and respectfully request the below
24 modifications and/or amendments to this Court's August 24, 2010 Amended Status
25 (Pretrial Scheduling) Order. Docket Entry ("DE") 11.

26 The parties contend there is good cause for this request for the following reasons:

- 27 1. A number of the witnesses which Plaintiff wants to depose are currently
28 serving in the United States Marine Corp. Since the events in question, some
of the witnesses have been transferred to various locations in and outside of the
continental United States including Florida, Rhode Island and Hawaii.
Locating and setting up the logistics for deposing these witnesses has proven
difficult.

2. Additionally, one witness was deployed to Afghanistan in September 2010 and his return is potentially September or October 2011.
3. The parties request additional time in which to complete the depositions of these witnesses.
4. The parties have not previously requested a continuance of any dates in this matter.
5. The request for continuance is made in good faith and not for delay.
6. The parties agree to and submit the following proposed modifications to the scheduling order:
 - a. That the discovery deadline be moved from July 22, 2011 to October 31, 2011;
 - b. That the deadline for filing dispositive motions be moved from September 7, 2011 to January 25, 2012;
 - c. That the hearing for dispositive motions be moved from October 5, 2011 to February 22, 2012 at 9:30 a.m.;
 - d. That the Pretrial Conference be moved from January 13, 2012 to May 18, 2012 at 10:00 a.m.;
 - e. That the trial be moved from March 5, 2012 to July 23, 2012 at 9:00 a.m.

Respectfully submitted,

Date: June 14, 2011

/s/ Connor M. Kelly

By: Connor M. Kelly

Attorneys for Plaintiff AUDREY RUF

Date: June 14, 2011

BENJAMIN B. WAGNER
UNITED STATES ATTORNEY

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/s/ Jason Ehrlinspiel

By: Jason Ehrlinspiel
Assistant United States Attorney

Attorneys for THE UNITED STATES
OF AMERICA

IT IS SO ORDERED.

DATED: June 14, 2011

/s/ John A. Mendez
JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE