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10
11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION
14

15 ANTHONY PENTON,

16 Plaintiff,

17 v.

18 LAYTON JOHNSON, JR., JAMES WALKER,
19 TIMOTHY V. VIRGA, BRYAN DONAHOO,
20 JOLENE NUNEZ, JANICE BRADFORD, KEVIN
21 POOL, ROLF MORROW, RONALD GADDI,
LE'VANCE ANTHONY QUINN, LYNCH,
GILBERT SALAS, ROSEMARY BESENAIZ,
AND DOES 1 THROUGH 13,

22 Defendants.
23

Case No. 2:11-cv-00518-TLN-KJN (PC)

**STIPULATION FOR EXTENSION OF
DEADLINES SET FORTH IN THE
MAY 16, 2019 SCHEDULING
ORDER; ~~[PROPOSED]~~ REVISED
SCHEDULING ORDER**

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1 Plaintiff Anthony Penton ("Plaintiff") and Defendants Layton Johnson, Jr., James Walker,
2 Timothy V. Virga, Bryan Donahoo, Janice Bradford, Kevin Pool, Rolf Morrow, Ronald Gaddi,
3 Le'Vance Anthony Quinn, John Lynch, Gilbert Salas, and Rosemary Besenaiz (collectively,
4 "Defendants") respectfully submit this stipulation to extend the December 4, 2019 deadline to
5 disclose expert witnesses set forth in the Court's May 16, 2019 Order (the "Scheduling Order")
6 (ECF No. 156) to February 7, 2020. To accommodate this extension, Plaintiff and Defendants
7 respectfully request a corresponding modification of the remaining deadlines provided in the
8 Scheduling Order such that the relative time between deadlines remains intact, but that the overall
9 schedule is shifted according to the extension of the deadline for expert disclosures from
10 December 4, 2019 to February 7, 2020, as provided in the Proposed Order.

11 "Rule 16(b)'s good cause standard primarily considers the diligence of the party seeking
12 the amendment." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).
13 Since the Court issued the previous Scheduling Order in this action, Plaintiff and Defendants have
14 continued to act diligently and amicably in pursuing discovery. For instance, Plaintiff and
15 Defendants proceeded with the depositions in this case at a steady pace, including scheduling nine
16 depositions within two weeks. As a result of Plaintiff's and Defendants' diligence, all parties have
17 now been deposed. Plaintiff and Defendants believe that good cause exists under Federal Rule of
18 Civil Procedure 16(b)(4) for extending the deadline for the disclosure of experts (and for
19 modifying the remaining deadlines in the Scheduling Order accordingly).

20 In addition, document production has been exchanged and discovery requests and
21 responses have been served, with minimal discovery disputes among the parties. Plaintiff and
22 Defendants have maintained a productive meet and confer process which has avoided unnecessary
23 discovery motions and will continue to do so as the process turns to expert discovery. Plaintiff
24 and Defendants believe that an extension will allow for a more complete expert discovery process
25 given the fact discovery that has occurred to date.

26 It is so stipulated:
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1 Dated: November 6, 2019

SIMPSON THACHER & BARTLETT LLP

2 By: /s/ Harrison J. Frahn IV

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16 *Attorneys for Plaintiff Anthony Penton*

11 Dated: November 6, 2019

12 By: /s/ Van Kamberian

13 Van Kamberian

14 Deputy Attorney General

15 California Attorney General's Office

16 *Attorneys for Defendants Besenaiz, Bradford,*
17 *Donahoo, Gaddi, Lynch, Morrow, Pool, Quinn,*
18 *Salas, Virga and Walker*

17 Dated: November 6, 2019

18 By: /s/ Nicole Cahill

19 Nicole Cahill

20 Longyear & Lavra LLP

21 *Attorneys for Defendant Johnson*

1 **~~[PROPOSED]~~ ORDER**

2 For good cause shown, the Court grants the Stipulation For Extension of The Deadlines Set
3 Forth in the May 16, 2019 Scheduling Order. The deadlines provided by the Court's May 16,
4 2019 Scheduling Order shall be modified as follows:

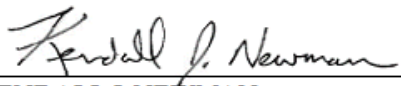
5 1. The deadline for the parties to disclose any expert witnesses in accordance with the
6 specifications of Federal Rule of Civil Procedure 26(a)(2) is extended from December 4, 2019 to
7 February 7, 2020. The deadline for any rebuttal expert is extended from January 6, 2020 to March
8 11, 2020. The deadline for replies regarding expert witness disclosures is extended from January
9 27, 2020, to April 1, 2020.

10 2. The deadline for completion of expert witness discovery is extended from February
11 17, 2020, to April 22, 2020.

12 3. The deadline for completion of all law and motion, including dispositive motions,
13 but except as to discovery-related matters, is extended from March 3, 2020, to May 13, 2020.

14 IT IS SO ORDERED.

15 Dated: November 8, 2019

16 
17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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