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7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
 11 PEGGY BOYNTON,
 12 Plaintiff,
 13 v.
 14 UNITED STATES OF AMERICA,
 15 Defendant.

Case No. 2:11-cv-00623 MCE EFB
 STIPULATION AND ORDER TO
 EXTEND PRETRIAL SCHEDULE
 DEADLINES

16
 17 UNITED STATES OF AMERICA,
 18 Counter-Claimant,
 19 v.
 20 PEGGY BOYNTON,
 21 Counter-Defendant.

22
 23 Plaintiff/Counter-Defendant Peggy Boynton (“Plaintiff”) and Defendant/Counter-Claimant
 24 United States of America (“Defendant”), through their respective undersigned counsel, hereby agree
 25 and STIPULATE, subject to the Court’s approval, as follows:

26 1. On October 5, 2016, Defendant filed a motion to dismiss for lack of prosecution and
 27 noticed it for hearing for November 3, 2016. ECF 107. By Minute Order issued November 1, 2016,
 28 Defendant’s motion was taken under submission. ECF 111. On November 2, 2016, the Court issued

1 a Minute Order, therein noting that Plaintiff failed to file an opposition or statement of non-
2 opposition in violation of E.D. Cal. R. 230(c), and ordered Plaintiff to show cause in writing, not
3 later than ten (10) days following the date the order was electronically filed, as to why Plaintiff's
4 case should not be dismissed with prejudice. ECF 112.

5 2. Under the current scheduling order, expert witness disclosure is due December 5,
6 2016, and the deadline for dispositive motions is March 23, 2017, and any such motions must be
7 filed at least eight weeks before the hearing, to wit, on or before January 26, 2017. ECF 103.

8 3. Defendant has hired an expert to support its defense of Plaintiff's claim. Given that
9 Plaintiff's claim could be dismissed, the Government does not want to have to expend hundreds of
10 dollars it is likely to incur in expert discovery-related costs.

11 4. Accordingly, the parties hereby agree to a 60-day extension of the expert witness
12 disclosure date and deadline for dispositive motions, subject to the Court's approval, in order to give
13 the Court time to rule on Defendant's motion to dismiss and avoid Defendant having to incur a
14 costly, unnecessary expense. If said motion is granted, it would moot Defendant's need for its
15 expert witness.

16 Respectfully submitted,

17 DATED: November 10, 2016

CABLE GALLAGHER

18 */s/ Mark T. Gallagher*
19 (authorized by 11/4/16 email)

20

MARK T. GALLAGHER

21 Attorney for Plaintiff/Counter-
22 Defendant Peggy Boynton

23 DATED: November 10, 2016

24 PHILLIP A. TALBERT
25 Acting United States Attorney

/s/ Bobbie J. Montoya

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BOBBIE J. MONTOYA
27 Assistant United States Attorney

28 Attorneys for Defendant/Counter-
Claimant United States of America

1 **ORDER**

2 Finding good cause, the foregoing stipulation between the parties is hereby APPROVED.

3 The deadlines set forth in the Fourth Pretrial Scheduling Order, ECF 103, are extended as follows:

4 Expert Witness Disclosure: February 6, 2017

5 Dispositive Motions: June 1, 2017.

6 All other provisions in the May 19, 2016 pretrial scheduling order shall remain in full force and
7 effect.

8 IT IS SO ORDERED.

9 Dated: November 10, 2016

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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