Coronado v. Neish et al Doc. 12

1 SPINELLI, DONALD & NOTT A Professional Corporation 2 815 S Street, Second Floor Sacramento, CA 95811 Telephone: (916) 448-7888 3 Facsimile: (916) 448-6888 4 ROSS R. NOTT (State Bar No. 172235) STEPHANIE D. RICE (State Bar No. 248719) 5 **ATTORNEYS FOR Defendants** 6 CONSTANCE NEISH. JAMES NEISH 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 COREY CORONADO, CASE #: 2:11-CV-00751-MCE-DAD 12 Plaintiff. STIPULATION AND ORDER VS. 13 CONSTANCE NEISH, JAMES NEISH, et. 14 al., 15 Defendants. 16 It is hereby stipulated by and between the parties through their respective counsel 17 pursuant to FRCP 29(b) that: 18 1. This case arises out of a motor vehicle collision that occurred on February 5, 19 2009. 20 2. On or about June 28, 2011, Judge England entered a Pretrial Scheduling 21 Order setting this matter for trial on May 20, 2013. The following additional dates were set: 22 Discovery cut-off: July 20, 2012 23 Expert Witness Disclosure date: September 20, 2012 24 3. On or about May 7, 2012, plaintiff Corey Coronado underwent a two level 25 disc arthroplasty that she alleges was necessitated as result of injuries sustained in the 26 February 5, 2009 incident. As of the date of this Stipulation, plaintiff has not concluded her 27 follow up course of care and treatment. She is not slated to return to work until early 28

August. 1 Plaintiff's surgery in May of 2012 constitutes good cause to reopen 2 discovery. If the matter proceeds to trial, the parties will need to obtain updated records 3 reflecting her medical treatment, updated records and evidence regarding her employment 4 history and job performance, for example. 5 5. The parties wish to mediate this case. 6 6. Because plaintiff must be significantly recovered/stabilized following her 7 surgery before the case may be mediated, the soonest that the parties will be able to 8 conduct a mediation will be in the October/November 2012 time frame. The case is more 9 likely to settle if the sides are not heavily invested in expert discovery at the time of 10 mediation. Accordingly, the parties wish to conduct the mediation prior to incurring the 11 expense of retaining experts, disclosing experts, and conducting expert discovery. 12 7. The foregoing constitutes good cause extend the judicially imposed expert 13 disclosure and expert discovery cut-off dates. 14 8. In light of the above facts, the parties hereby stipulate and agree as follows: 15 Discovery is open as to additional medical issues, including as to how 16 medical issues relate to plaintiff's employment/ability to work, and the 17 discovery cut-off date shall be December 28, 2012; 18 Expert discovery cut-off date shall be February 28, 2013; and 19 Trial date shall remain May 20, 2013. 20 21 DATED: September 7, 2012 ARNOLD LAW FIRM 22 By: CLIFFORD L. CARTER 23 Attorneys for Plaintiff 24 COREY CORONADO 25 DATED: September 7, 2012 SPINELLI, DONALD & NOTT 26 ROSS R. NOTT 27 STEPHANIE D. RICE Attorneys for Defendants 28 CONSTANCE NEISH and JAMES NEISH

1	<u>ORDER</u>
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3	The parties' stipulation and request to extend the judicially imposed expert
4	disclosure and expert discovery cut-off dates is GRANTED. The current Pretrial
5	Scheduling Order is vacated. An amended Pretrial Scheduling Order will issue.
6	IT IS SO ORDERED.
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8	Dated: September 20, 2012
9	MORRISON C. ENGLAND, JR
10	UNITED STATES DISTRICT JUDGE
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