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 8 DEPARTMENT and DEPUTY SHERIFF DAVID CLARK

9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

12	THE ESTATE OF ROBERT (BOBBY) S.)	Case No.: 2:11-cv-02591-MCE-CKD
	CLIFFORD, LINDA K. CLIFFORD,)	
13	individually with right of survivorship and in)	STIPULATION AND REQUEST TO
	her capacity as the personal representative of)	EXTEND TIME TO DEPOSE
14	THE ESTATE OF ROBERT (BOBBY) S.)	PLAINTIFF'S RETAINED EXPERT
15	CLIFFORD,)	
)	
16	Plaintiffs,)	
)	
17	vs.)	
)	
18	PLACER COUNTY, the PLACER COUNTY)	
19	SHERIFF'S DEPARTMENT, DEFENDANT)	
20	DEPUTY SHERIFF DAVID CLARK,)	
	individually and in his official capacity as a)	
21	police officer,)	
)	
22	Defendants.)	

23
 24 All parties hereby stipulate to an extension to depose Plaintiff's retained expert, Dr.
 25 Firestone, until June 1, 2018. Good cause appearing therefore, the parties respectfully request that
 26 the Court grant this extension.

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1 **STATEMENT OF GOOD CAUSE**

2 On July 24, 2017, Plaintiff filed a motion to substitute expert witness Dr. Marc Firestone
3 for their previously designated expert, Ronald Scott. (ECF No. 92.)

4 On February 6, 2018, the Court issued an Order that granted in part and denied in part this
5 request. (ECF No. 100.) The Court held that Plaintiff could substitute Dr. Firestone for Mr. Scott
6 as her retained expert, but that Dr. Firestone would be limited to expressing ““opinions and theories
7 and the bases for those opinions and theories’ as express in Mr. Scott’s original report.” (Id. at
8 4:4-6.) The Order gave Plaintiff thirty days to officially designate Dr. Firestone as her substituted
9 expert. (Id. at 5:6-9.)

10 On March 8, 2018, Plaintiff filed an “Amended Rule 26(a)(2) Disclosure of Expert
11 Testimony” that designated Dr. Firestone as her retained expert. (ECF No. 101.)

12 The Court’s February 6, 2018 Order required that Defendants depose Dr. Firestone (if they
13 chose to) within thirty (30) days after he was designated. (ECF No. 100 at 5:10-11.) Accordingly,
14 based on Plaintiff’s March 8, 2018 filing, this deadline became April 9, 2018.

15 On March 16, 2018, defense counsel contacted plaintiff’s counsel to inquire about available
16 dates and locations for Dr. Firestone’s deposition. (Declaration of Derick E. Konz.) Plaintiff’s
17 counsel advised that due to Dr. Firestone’s schedule he would not be available until the last week
18 in April, at the earliest. (Id.) Counsel also discussed the potential for early resolution and agreed
19 to speak with their clients about mediation. (Id.)

20 The parties hereby stipulate to, and respectfully request from the Court, an Order extending
21 the time to depose Dr. Firestone until June 1, 2018. This will accommodate the schedule of Dr.
22 Firestone and involved counsel and will also give the parties additional time to negotiate – which
23 could ultimately result in a settlement without the need to spend money on Dr. Firestone’s
24 deposition. At the very least, it will give the parties time to fully explore this option before jumping
25 into an expert deposition in Southern California where Dr. Firestone is located.

26 There is no trial date set, and accordingly, this extension will not require the Court to reset
27 any other dates.

28

1 Good cause appearing, the parties hereby stipulate to, and respectfully request a Court
2 Order extending the time to depose Dr. Firestone until June 1, 2018.

3
4 **SO STIPULATED.**

5
6
7 Dated: March 23, 2018

ANGELO, KILDAY & KILDUFF, LLP

8 */s/ Derick E. Konz*

9 By: _____

10 BRUCE A. KILDAY
11 DERICK E. KONZ
12 Attorneys for Defendants

13 Dated: March 23, 2018

THE WALSTON LAW GROUP

14 */s/ Gregory S. Walston*

15 (as authorized on March 21, 2018)

16 By: _____

17 GREGORY S. WALSTON
18 Attorneys for Plaintiff

19 **ORDER**

20 Having considered the stipulation of the parties and good cause appearing, the court hereby
21 GRANTS the parties' foregoing stipulation to extend the time to depose Dr. Marc Firestone until
22 June 1, 2018.

23 IT IS SO ORDERED.

24 Dated: March 28, 2018

25 
26 MORRISON C. ENGLAND, JR.
27 UNITED STATES DISTRICT JUDGE
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