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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 CYNTHIA O'CONNOR,

12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA,

15 Defendant.
16

CASE NO. 2:11-cv-02803 GEB CMK

**STIPULATION REQUESTING
MODIFICATION OF EXPERT
WITNESS DEADLINES IN
SCHEDULING ORDER; PROPOSED
ORDER**

17 Plaintiff Cynthia O'Conner and defendant United States of America hereby stipulate and agree
18 as follows:

19 1. On February 17, 2012, the Court entered its Status (Pretrial Scheduling)
20 Order for the case. Docket 14.

21 2. The scheduling order set the following expert witness disclosure
22 deadlines:

23 Expert Witness Disclosure December 3, 2012
24 Supplemental Expert Witnesses January 3, 2013

25 3. On October 12, 2012, the United States filed a motion to dismiss
26 plaintiff's complaint in this action with prejudice for lack of subject matter jurisdiction.
27 Docket 16. The United States set the hearing on the motion for November 19, 2012. *Id.*
28

1 4. On November 2, 2012, at plaintiff's request, the parties stipulated to
2 continue to hearing date and modify the briefing schedule for the motion to dismiss.
3 Docket 17.

4 5. The Court approved the stipulation and signed an order on November 5,
5 2012 which rescheduled the hearing on the motion to dismiss to December 3, 2012.
6 Docket 18.

7 6. Because the motion to dismiss is set to be heard on the same day on which
8 the parties' initial expert witness disclosures are due, the parties agree that good cause
9 exists to request that the Court modify its scheduling order to allow time for the Court to
10 rule on the motion before the parties are required to incur the time and expense necessary
11 to disclose expert witnesses.

12 7. Accordingly, the parties agree to request that the Court modify the
13 scheduling order as follows, or to alternative dates convenient to the Court:

	<u>Old Date</u>	<u>New Date</u>
Expert Witness Disclosure	December 3, 2012	February 22, 2013
Supplemental Expert Witnesses	January 3, 2013	March 13, 2013

16 8. Since the parties are not asking the Court to modify the discovery cutoff,
17 pretrial, or trial dates, modification of the scheduling order will not prejudice either party,
18 and should not negatively impact the Court's schedule for this case.

19 Respectfully submitted,

20 DATED: November 5, 2012

BENJAMIN B. WAGNER
United States Attorney

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22 By: /s/ Lynn Trinka Ernce
LYNN TRINKA ERNCE
Assistant United States Attorney

24 DATED: November 5, 2012

ALTEMUS & WAGNER


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26 By: /s/ Stewart C. Altemus
STEWART C. ALTEMUS
Attorneys for Plaintiff

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ORDER

IT IS SO ORDERED, but the good cause issue is not reached.

Date: 11/5/2012



GARLAND E. BURRELL, JR.
Senior United States District Judge