

(SPACE BELOW FOR FILING STAMP ONLY)

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 7 UNION PACIFIC RAILROAD COMPANY

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

11 BURLEY D. TOMPKINS,
 12 Plaintiff,
 13 vs.
 14 UNION PACIFIC RAILROAD COMPANY, a
 corporation,
 15 Defendants.
 16

Case No. 2:12-CV-01481-CMK

**STIPULATION OF THE PARTIES TO
 MODIFY SCHEDULING ORDER AND
 EXTEND DISCOVERY DEADLINES;
 [PROPOSED] ORDER**

17 **STIPULATION OF THE PARTIES TO MODIFY SCHEDULING ORDER AND EXTEND**
 18 **DISCOVERY DEADLINES**

19 Pursuant to Rules 16(b)(4) and 29 of the Federal Rules of Civil Procedure, Defendant
 20 UNION PACIFIC RAILROAD COMPANY (“UPRR”) and Plaintiff BURLEY D. TOMPKINS, by
 21 and through their attorneys of record, hereby stipulate to modify the scheduling order dated
 22 July 2, 2014, and extend the time for discovery deadlines previously set in this matter.

23 The expert disclosure deadline is currently scheduled for January 30, 2015. The
 24 parties request an extension of this deadline to March 31, 2015.

25 The exchange of lists of rebuttal expert witnesses is currently scheduled for
 26 February 10, 2015. The parties request an extension of this deadline to April 13, 2015.

27 Discovery is currently scheduled to be completed by April 7, 2015. The parties
 28 request an extension of this deadline to May 5, 2015.

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All other dates will remain the same as provided for in the July 2, 2014 scheduling order.

GOOD CAUSE EXISTS FOR THE REQUESTED MODIFICATION AND EXTENSIONS

Counsel for UPRR began conferring with counsel for Plaintiff in September 2014 for scheduling Plaintiff's deposition. Counsel for Plaintiff, informed counsel for UPRR that due to their trial calendar the first available dates to schedule Plaintiff's deposition would be in November 2014. After furthering conferring due to Plaintiff's counsel's trial schedule, counsel for UPRR noticed Plaintiff's deposition for December 18, 2014. Taking into consideration Plaintiff's counsel's trial schedule, counsel for UPRR has been diligently attempting to schedule depositions for Plaintiff's medical providers, however Plaintiff's counsel is still currently in trial and not available to attend said depositions.

Plaintiff has disclosed treatment with 20 distinct medical providers in his initial disclosures. The number and complexity of witnesses requires this extension because UPRR is attempting to schedule the depositions of Plaintiff's disclosed medical providers, many of which are out of state doctors whose schedules dictate when and where their depositions may take place.

On December 4, 2014 the parties held a discovery conference regarding the issues related to scheduling Plaintiff's medical providers' depositions prior to the January 30, 2015 deadline. The parties are working diligently and cooperatively to schedule these depositions but cannot accomplish them with holidays and Plaintiff's counsel's trial calendar.

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Therefore, counsel for the parties agreed a stipulation to an extension of the discovery deadlines would be necessary.

IT IS HEREBY STIPULATED

DATED: December 8, 2014

MURPHY, CAMPBELL, ALLISTON & QUINN

By: /s/ MARIEL COVARRUBIAS
STEPHANIE L. QUINN (SBN 216655)
MARIEL COVARRUBIAS (SBN 274784)
Attorneys for Defendant UNION PACIFIC
RAILROAD COMPANY

DATED: December 8, 2014

HILDEBRAND McLEOD & NELSON INC.

By: /s/ RYAN OTIS
ANTHONY PETRU (SBN 91399)
RYAN OTIS (SBN 260032)
Attorneys for Plaintiff BURLEY D.
TOMPKINS

IT IS SO ORDERED:

Dated: December 22, 2014


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE