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16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA,**
 18 **SACRAMENTO DIVISION**

21 JANELLE JONES, et al

22 Plaintiffs,

23 vs.

25 CALIFORNIA DEPARTMENT OF
 CORRECTIONS AND REHABILITATION,
 26 et al., and DOES 1 through 50, inclusive,

27 Defendants.
 28

CASE NO. 2:12-CV-02181-TLN-CKD

**JOINT STIPULATION TO FURTHER
 MODIFICATION OF SCHEDULING
 ORDER; ORDER**

Action Filed: August 21, 2012

1 **TO THE HONORABLE TROY L. NUNLEY, U.S. DISTRICT COURT JUDGE:**

2 WHEREAS on August 21, 2012, Plaintiffs Janelle Jones and T.J., a minor,
3 (“PLAINTIFFS”) filed a complaint alleging violations of 42 U.S.C. §§1983 and 1988, as well as
4 the general laws of the United States and of the State of California against defendants California
5 Department Of Corrections and Rehabilitation, Matthew Cates, Mike McDonald, Ed Simmerson,
6 John McClellan, and DOES 1 through 50, inclusive (“DEFENDANTS”) [Dkt. Nos. 1-3];

7 WHEREAS on February 7, 2013, PLAINTIFFS and DEFENDANTS filed a Joint Status
8 Report. [Dkt. No. 20];

9 WHEREAS on March 22, 2013, PLAINTIFFS filed a First Amended Complaint. [Dkt.
10 No. 24];

11 WHEREAS on April 23, 2013, DEFENDANTS filed an answer to the First Amended
12 Complaint. [Dkt. No. 27];

13 WHEREAS on May 2, 2013, PLAINTIFFS and DEFENDANTS filed an Updated Joint
14 Status Report pursuant to this Court’s order. [Dkt. No. 29];

15 WHEREAS on July 15, 2013, the Court issued its Pre-trial Scheduling Order. [Dkt. No.
16 31];

17 WHEREAS PLAINTIFFS and DEFENDANTS have exchanged Initial Disclosures and
18 are presently engaging in extensive written discovery as well as the scheduling of depositions;

19 WHEREAS PLAINTIFFS’ counsel had personal and medical issues arise after the
20 Court’s issuance of its Pre-trial Scheduling Order. Plaintiff’s counsel, Lanny Tron, had major
21 surgery on July 12, 2013, which involved a five-day hospital stay. Thereafter, on August 8,
22 2013, Mr. Tron had to make an emergency four-day trip to Alberta, Canada, to visit his father,
23 who had been diagnosed with terminal cancer;

24 WHEREAS, PLAINTIFFS’ counsel is a small law firm, and Mr. Tron is primarily
25 responsible for the handling of this case;

26 WHEREAS, given the personal and medical issues of PLAINTIFFS’ counsel, it was not
27 possible for counsel to adequately proceed to prosecute the case according to the Court’s July
28

1 2013 Pre-trial schedule, in October 2013, the parties filed a Stipulation to modify the Pre-trial
2 Scheduling Order;

3 WHEREAS, the Stipulation was approved and an Amended Scheduling Order was
4 entered on October 18, 2013 [Dkt. No. 35];

5 WHEREAS, PLAINTIFFS' counsel, Mr. Tron, thereafter underwent two further
6 surgeries, on October 22, 2013 and on December 17, 2013, relating to his serious medical
7 condition. The general nature of counsel's medical condition has been disclosed to defense
8 counsel, and these surgeries were not elective;

9 WHEREAS plaintiff's counsel's recovery took longer than expected, the parties have not
10 been able to begin the deposition process, although a first round of written discovery has been
11 completed by both parties;

12 WHEREAS, the parties are not seeking a further continuance of the Trial date or Pre-trial
13 conference date at this time, but through this Stipulation do seek a continuance of certain
14 discovery and motion cut-off dates;

15 WHEREAS, the Parties therefore agree to a further modification of the Pre-trial
16 Scheduling Order by rescheduling certain dates therein to the following dates or to other dates as
17 may be amenable to the Court's calendar:

- 18 1. All discovery, with the exception of expert discovery, shall be completed by
19 **October 10, 2014** (continued from current date of April 10, 2014);
- 20 2. A Settlement Conference set before Judge Allison Claire on **November 22,**
21 **2014;** (continued from current date of May 22, 2014);
- 22 3. All counsel are to designate in writing, file with the Court, and serve upon all
23 other parties the name, address, and area of expertise of each expert that they
24 propose to tender at trial not later than **November 3, 2014** (continued from
25 the current date of June 18, 2014); and
- 26 4. The last day to hear dispositive motions shall be **December 11, 2014**
27 (continued from the current date of October 17, 2014).

1 WHEREAS, the parties agree that the requested modifications to the Pre-trial Scheduling
2 Order is for good cause and the modifications are in the interests of justice;

3 **IT IS HEREBY STIPULATED:**

4 All parties hereto, by and through their respective attorneys of record, have agreed to the
5 modifications to the Pre-trial Scheduling Order as set forth above, or as otherwise amenable to
6 the Court's calendar.

7 Dated: March 7, 2014

TRON & TRON

8
9 By _____ /s/
10 **LANNY M. TRON, ESQ.**
11 Attorneys for Plaintiffs

12 Dated: March 7, 2014

CALIFORNIA ATTORNEY GENERAL'S OFFICE

13
14 By _____ /s/
15 **KEVIN W. REAGER, ESQ.**
16 Attorneys for Defendants

17 **ORDER**

18 The Court having reviewed the foregoing Stipulation and good cause appearing
19 therefore:

20 **IT IS HEREBY ORDERED** that the Pre-trial Scheduling Order be modified as follows:

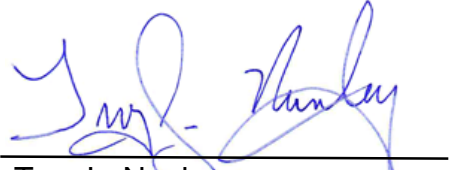
- 21 1. All discovery, with the exception of expert discovery, shall be completed by
22 **October 10, 2014.**
- 23 2. A Settlement Conference is set before Judge Allison Claire on **November 20,**
24 **2014, at 9:00 a.m.** Each party is directed to submit to the chambers of Judge
25 Allison Claire confidential settlement conference statements not later than
26 seven (7) days prior to the date of the Settlement Conference.

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- 3. All counsel are to designate in writing, file with the Court, and serve upon all other parties the name, address, and area of expertise of each expert that they propose to tender at trial not later than **November 3, 2014**.
- 4. The last day to hear dispositive motions shall be **December 11, 2014**.

IT IS SO ORDERED:

Dated: March 13, 2014



Troy L. Nunley
United States District Judge