

1 LANNY M. TRON (SBN 135339)
 TERRY L. TRON (SBN 151151)
 2 MARK PACHOWICZ (SBN 138108)
 TRON & TRON
 3 1297 FLYNN ROAD, SUITE 210
 CAMARILLO, CA 93012
 4 Telephone: (805) 388-1241
 Fax: (805) 388-2091
 5 E-mail: lannytron@tronlaw.com
 terrytron@tronlaw.com
 6 *Attorneys for Plaintiffs*

7 KAMALA D. HARRIS, State Bar No. 146672
 Attorney General of California
 8 SUSAN E. SLAGER, State Bar No. 162942
 Supervising Deputy Attorney General
 9 NOREEN P. SKELLY, State Bar No. 186135
 Deputy Attorney General
 10 WILLIAM H. DOWNER, State Bar No. 257644
 Deputy Attorney General
 11 1300 I Street, Suite 125
 P.O. Box 944255
 12 Sacramento, CA 94244-2550
 Telephone: (916) 324-2445
 13 Fax: (916) 324-5567
 E-mail: William.Downer@doj.ca.gov
 14 *Attorneys for Defendants*

15
 16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE EASTERN DISTRICT OF CALIFORNIA
 18 SACRAMENTO DIVISION

19
 20 **JANELLE JONES, et al.,**

21 Plaintiffs,

22 v.

23 **MATTHEW CATES, et al.,**

24 Defendants.
 25

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

7 On February 7, 2013, PLAINTIFFS and DEFENDANTS filed a Joint Status Report. [ECF
8 No. 20];

9 On March 22, 2013, PLAINTIFFS filed a First Amended Complaint. [ECF No. 24];

10 On April 23, 2013, DEFENDANTS filed an answer to the First Amended Complaint [ECF
11 No. 24];

12 On May 2, 2013, PLAINTIFFS and DEFENDANTS filed an Updated Joint Status Report
13 pursuant to this Court’s order. [ECF No. 29];

14 On July 15, 2013, the Court issued its Pre-Trial Scheduling Order. [ECF No. 31];

15 PLAINTIFFS and DEFENDANTS have exchanged Initial Disclosures, conducted
16 discovery, and are presently continuing to engage in written discovery as well as scheduling
17 depositions;

18 Based upon PLAINTIFFS’ counsel’s serious personal and medical issues that arose after
19 the Court’s issuance of its Pre-Trial Scheduling Order, as well as additional scheduling
20 complications due to discovery issues, including DEFENDANTS requiring extensive time to
21 provide Electronically Stored Information, and PLAINTIFFS’ unavailability for deposition, the
22 parties have jointly sought prior modifications of the Pre-Trial Scheduling Order, which were
23 approved, and Amended Scheduling Orders have been entered on October 18, 2013, March 14,
24 2014, July 24, 2014, and most recently September 10, 2014 [ECF Nos. 35, 37, 42 & 45];

25 DEFENDANTS filed a motion for judgment on the pleadings pursuant to Rule 12 (c) of the
26 Federal Rules of Civil Procedure on October 2, 2014, which has been fully briefed and taken
27 under submission by the Court. [ECF Nos. 47-50];

28

1 WHEREAS PLAINTIFFS and DEFENDANTS have agreed that because a decision on the
2 merits of the pending motion for judgment on the pleadings may substantially impact the scope
3 and substance of the litigation, and that proceeding apace without a decision on the merits may
4 result in a needless expenditure of State and litigant time and resources, additional time is
5 necessary to permit a decision on the merits of DEFENDANTS' motion for judgment on the
6 pleadings, and the parties' subsequent completion of discovery, and filing of dispositive motions,
7 the parties seek a corresponding continuance of the discovery cutoff deadline and other pre-trial
8 deadlines as set forth below:

<u>Current Date</u>	<u>Proposed New Date</u>	<u>Event</u>
3/2/15	6/2/15	Last day to complete non-expert discovery.
5/21/15	8/20/15	Last day to hear dispositive motions. Motion filed 35 days before hearing; opposition filed 14 days before hearing; reply filed 7 days before hearing.
5/21/15	9/17/15	Mandatory Settlement Conference
5/24/15	8/27/15	Last day to designate experts.
3/3/15	11/12/15	Last day to file joint pretrial conference statement.
8/27/15	11/19/15	Final pretrial conference.
10/26/15	1/25/16	Trial.

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

21 **IT IS HEREBY STIPULATED:**

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

25 Dated: January 28, 2015

Tron & Tron

26 By /s/ Lanny M. Tron
27 Lanny M. Tron, Esq.
28 Attorneys for Plaintiffs

1 Dated: January 28, 2015

Office of the Attorney General

2 By /s/ William H. Downer

3 William H. Downer, Deputy Attorney General
4 Attorneys for Defendants

5 **ORDER**

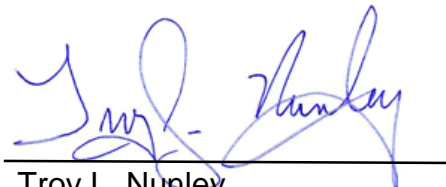
6 The Court having reviewed the forgoing Stipulation and good cause appearing therefore:

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

8 <u>New Date</u>	9 <u>Event</u>
10 6/2/15	Last day to complete non-expert discovery.
11 8/13/15	Last day to hear dispositive motions. Motion filed 35 days before hearing; opposition filed 14 days before hearing; reply filed 7 days before hearing.
12 9/17/15	Mandatory Settlement Conference before Magistrate Judge Allison Claire at 9:00 a.m. in Courtroom #26.
13 8/27/15	Last day to designate experts.
14 11/12/15	Last day to file joint Pre Trial Conference Statement.
15 11/19/15	Final Pre-Trial Conference at 2:00 p.m.in Courtroom #2 before District Judge Troy L. Nunley.
16 1/25/16	Jury Trial at 9:00 a.m.in Courtroom #2 before District Judge Troy L. Nunley.

17 **IT IS SO ORDERED:**

18 Dated: January 30, 2015

19
20
21
22
23
24 

25 Troy L. Nunley
26 United States District Judge