

1 **LAW OFFICE OF STEWART KATZ**

2 STEWART KATZ, State Bar #127425
3 555 University Avenue, Suite 270
4 Sacramento, California 95825
5 Telephone: (916) 444-5678

6 Attorney for Plaintiff

7 KAMALA D. HARRIS
8 Attorney General of California
9 PETER A. MESHOT
10 Supervising Deputy Attorney General
11 JILL SCALLY
12 Deputy Attorney General
13 State Bar No. 161513
14 1300 I Street, Suite 125
15 P.O. Box 944255
16 Sacramento, CA 94244-2550
17 Telephone: (916) 324-1042
18 Facsimile: (916) 322-8288
19 E-mail: Jill.Scally@doj.ca.gov
20 *Attorneys for Defendants*

21 **UNITED STATES DISTRICT COURT**

22 **EASTERN DISTRICT OF CALIFORNIA**

23 OLEGS KOZACENKO,
24
25 Plaintiff,

CASE NO.: 2:12-CV-02196-MCE-DAD

26 vs.

27 **STIPULATION AND ORDER**
28 **MODIFYING PRETRIAL SCHEDULING**
ORDER

29 California Highway Patrol Officer
30 ANDREW P. MURRILL (Badge #19671),
31 California Highway Patrol Officer J.
32 SHERMAN (Badge # 11614) California
33 Highway Patrol Sergeant KEVIN PIERCE;
34 California Highway Patrol Lieutenant
35 JOHN ARRABIT; California Highway
36 Patrol Assistant Chief KENNETH HILL;
37 and California Highway Patrol
38 Commander Chief STEPHEN LERWILL,
39
40 Defendants.

41 _____/

42

1 COME NOW THE PARTIES by and through their respective parties and subject to
2 the approval of this Court, hereby stipulate and respectfully request the following
3 modifications and/or amendments to this Court's Pretrial Scheduling Order of March 28,
4 2013, regarding the scheduling of this case:

- 5 • That the non-expert discovery cut-off date currently set for April 9, 2014, be moved
6 to September 10, 2014.
- 7 • That the expert witness disclosure cut-off date currently set for June 9, 2014 be
8 moved November 10, 2014.
- 9 • That the Dispositive Motion cut-off date currently set for October 16, 2014 be
10 moved to March 19, 2015.
- 11 • That the Joint Pretrial Statement currently due November 26, 2014 be due to April
12 29, 2015.
- 13 • That the Final Pretrial Conference currently set for December 18, 2014 at 2:00pm be
14 moved to May 21, 2015.
- 15 • That the deadline to file any trial briefs, currently set for December 4, 2014, be
16 moved to May 7, 2015.
- 17 • That the deadline to file any evidentiary or procedural motions, currently set for
18 November 26, 2014, be moved to April 29, 2015.
- 19 • That the deadline to file an opposition to any evidentiary or procedural motion,
20 currently set for December 4, 2014, be moved to May 7, 2015.
- 21 • That the deadline to file any reply in support of an evidentiary or procedural motion,
22 currently set for December 11, 2014, be moved to May 14, 2015.
- 23 • That the Trial currently set for February 9, 2015 at 9:00am, be moved to July 6,
24 2015.

25 This calendaring modification is requested to allow the parties to complete
26 discovery, narrow the issues and prepare the case for a time-efficient trial should a
27 resolution not be reached. The parties have been diligently conducting written discovery,
28 including interrogatories and document production requests from the parties, many subpoena

1 *duces tecums* to third parties, and depositions. The discovery process has been unexpectedly
2 time consuming and problematic in part due to language and cognitive obstacles, an
3 unusually high number of medical treating professionals (many of whose treatment of the
4 plaintiff is ongoing and most of whom are in the Northern District), issues regarding *Touhy*
5 compliance, and various discovery disputes which, although not acrimonious, have reached
6 loggerheads and which have further slowed the process.

7
8 **IT IS SO STIPULATED.**

9
10 Dated: February 7, 2014

LAW OFFICE OF STEWART KATZ

11 /s/ Stewart Katz
12 Stewart Katz
13 Attorney for Plaintiff

14
15 Dated: February 7, 2014


KAMALA D. HARRIS
Attorney General of California

16 /s/ Jill Scally
17 JILL SCALLY
18 Deputy Attorney General
19 Attorneys for Defendants

20 **ORDER**

21 IT IS SO ORDERED.

22
23 Dated: February 17, 2014

24 
25 _____
26 MORRISON C. ENGLAND, JR., CHIEF JUDGE
27 UNITED STATES DISTRICT COURT
28