

1 KAMALA D. HARRIS, State Bar No. 146672
 Attorney General of California
 2 ALBERTO L. GONZÁLEZ, State Bar No. 117605
 Supervising Deputy Attorney General
 3 NELI N. PALMA, State Bar No. 203374
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 445-2482
 6 Fax: (916) 322-8288
 E-mail: Neli.Palma@doj.ca.gov

7 *Attorneys for Defendants California Highway Patrol Officer Andrew Murrill and California
 Highway Patrol Officer J. Sherman California Highway Patrol Sergeant Kevin Pierce;
 8 California Highway Patrol Lieutenant John Arrabit; California Patrol Assistant Chief
 Kenneth Hill; and California Highway Patrol Commander Chief Stephen Lerwill*

9 **LAW OFFICE OF STEWART KATZ**
 10 STEWART KATZ, State Bar #127425
 555 University Avenue, Suite 270
 11 Sacramento, CA 95825
 Telephone: (916) 444-5678
 12 *Attorney for Plaintiff*

13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE EASTERN DISTRICT OF CALIFORNIA

16 **OLEGS KOZACENKO,**
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 Plaintiff,
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 v.
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 20 **California Highway Patrol Officer**
ANDREW P. MURRILL (Badge #19671);
 21 **California Highway Patrol Officer J.**
SHERMAN (Badge #11614); California
 22 **Highway Patrol Sergeant KEVIN PIERCE;**
 23 **California Highway Patrol Lieutenant**
JOHN ARRABIT; California Patrol
 24 **Assistant Chief KENNETH HILL; and**
California Highway Patrol Commander
Chief STEPHEN LERWILL,
 25
 Defendants.

2:12-CV-2196 MCE DAD
**SECOND STIPULATION AND ORDER
 MODIFYING PRETRIAL SCHEDULING
 ORDER**

1 COME NOW THE PARTIES by and through their respective parties and subject to the
2 approval of this Court, hereby stipulate and respectfully request the following modifications
3 and/or amendments to this Court's Stipulation and Order Modifying Pretrial Scheduling Order of
4 February 17, 2014 (Doc. 43) regarding the scheduling of this case for good cause:

- 5 • That the non-expert discovery cut-off date currently set for September 10, 2014, be
6 moved to January 9, 2015.
- 7 • That the expert witness disclosure cut-off date currently set for November 10, 2014, be
8 moved to March 10, 2015.
- 9 • That the Dispositive Motion cut-off date currently set for March 19, 2015, be moved to
10 July 10, 2015.
- 11 • That the Final Joint Pretrial Conference Statement currently due April 29, 2015, be
12 moved to August 10, 2015.
- 13 • That the Final Pretrial Conference currently set for May 21, 2015 at 2:00 p.m. be moved
14 to September 3, 2015.
- 15 • That the deadline to file any trial briefs, currently set for May 7, 2015, be moved to
16 August 12, 2015.
- 17 • That the deadline to file any evidentiary or procedural motions, currently set for
18 April 29, 2015, be moved to August 10, 2015.
- 19 • That the deadline to file an opposition to any evidentiary or procedural motion,
20 currently set for May 7, 2015, be moved to August 17, 2015.
- 21 • That the deadline to file a reply to an opposition to any evidentiary or procedural
22 motion, currently set for May 14, 2015, be moved to August 24, 2015.
- 23 • That the Trial currently set for July 6, 2015 at 9 a.m., be moved to October 12, 2015.

24 This calendaring modification is requested due in part to the change in Deputy Attorneys
25 General assigned to this matter due to the retirement of Deputy Attorney General Jill Scally. The
26 prior modification agreed to by Deputy Attorney General Scally does not allow for new and
27 unforeseen demands of the litigation. New counsel has been diligently reviewing the litigation
28 files and discovered, for example, that requested medical records from several medical providers

1 have not been produced. Mr. Kozacenko alleges severe medical and mental injuries that require
2 an assessment of all available medical and mental records. Plaintiff's medical care and treatment,
3 moreover, is ongoing among several medical treatment providers. Defendants are also retaining
4 the requisite experts to conduct medical and neuro-psychological examination and testing. Their
5 examinations will be delayed until available medical and mental records are obtained. Plaintiff's
6 counsel has diligently sought to comply with discovery and requests for signed authorizations but
7 the language and other barriers with plaintiff have delayed obtaining the authorizations and
8 completion of outstanding discovery. Deposition discovery of witnesses is continuing and
9 extensive expert discovery is expected. It is now evident the prior modification was overly
10 optimistic. This calendaring modification is also requested to allow the parties to complete
11 discovery, narrow the issues, and prepare the case for a time-efficient trial should a resolution not
12 be reached.

13 **IT IS SO STIPULATED.**

14 Dated: August 15, 2014

KAMALA D. HARRIS
Attorney General of California
ALBERTO L. GONZÁLEZ
Supervising Deputy Attorney General

17
18 /s/ Neli Palma
NELI PALMA
Deputy Attorney General

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20 *Attorneys for Defendants California Highway Patrol*
21 *Officer Andrew Murrill; California Highway Patrol*
22 *Officer J. Sherman; California Highway Patrol*
23 *Sergeant Kevin Pierce; California Highway Patrol*
24 *Lieutenant John Arrabit; California Patrol Assistant*
25 *Chief Kenneth Hill; and California Highway Patrol*
26 *Commander Chief Stephen Lerwill*

27 Dated: August 14, 2014

LAW OFFICE OF STEWART KATZ

28 /s/ Stewart Katz
Stewart Katz
Attorney for Plaintiff

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ORDER

Based on the stipulation of the parties and good cause having been shown, the existing scheduling order and all dates included therein is VACATED. An amended scheduling order will follow.

IT IS SO ORDERED.

Dated: September 3, 2014



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT