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15 IN THE UNITED STATES DISTRICT COURT
 16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 **OLEGS KOZACENKO,**
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 Plaintiff,
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 v.
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 21 **California Highway Patrol Officer
 ANDREW P. MURRILL (Badge #19671);
 22 California Highway Patrol Officer J.
 SHERMAN (Badge #11614); California
 23 Highway Patrol Sergeant KEVIN PIERCE;
 California Highway Patrol Lieutenant
 24 JOHN ARRABIT; California Patrol
 Assistant Chief KENNETH HILL; and
 25 California Highway Patrol Commander
 Chief STEPHEN LERWILL,**
 26
 Defendants.
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2:12-CV-2196 MCE DAD
**STIPULATION FOR ORDER
 EXTENDING NON-EXPERT
 DISCOVERY CUTOFF BY THIRTY
 DAYS; AND ORDER**

1 COME NOW THE PARTIES by and through their respective attorneys and subject to the
2 approval of this Court, hereby stipulate and respectfully request that the Court extend the non-
3 discovery cut-off by thirty (30) days for good cause:

- 4 • Non-expert discovery cut-off is currently set for April 8, 2015. Doc. 62, at 2:1-3.
- 5 • Non-expert discovery cut-off be moved to May 8, 2015

7 I. ARGUMENT

8 A. LEGAL STANDARD.

9 “A schedule may be modified only for good cause and with the judge's consent.” Fed. R.
10 Civ. P. 16(b). A formal motion is not necessary. Adv. Comm. Notes to 1983 Amendment to Fed.
11 R. Civ. P. 16(b). Good cause requires a showing of due diligence. *Johnson v. Mammoth*
12 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). A lesser showing of good cause is sufficient
13 to modify the initial scheduling order entered early in the action than the showing required for a
14 final pretrial conference order. Notes of Advisory Committee on Rule 16, 97 F.R.D. 165, 208.

15 B. GOOD CAUSE EXISTS TO MODIFY THE SCHEDULING ORDER TO EXTEND THE NON- 16 EXPERT DISCOVERY CUT-OFF BY THIRTY DAYS

17 There is pending in this court two discovery matters, plaintiff's motion to compel defendant
18 Murill to respond to deposition questions (Doc. 65) and defendants' motion to compel physical
19 and mental examination (Doc. 64). Plaintiff is now represented by new counsel, who only
20 recently appeared. Docs. 67, 68, 70, 71. The parties have reinitiated meet and confer efforts in
21 attempts to resolve much if not all of the issues presented in the discovery motions. The parties
22 have sought an order from the Magistrate Judge, by stipulation, to continue the hearing on the
23 discovery motions to afford the parties additional time to do so. To allow new counsel and
24 defendants' counsel to then proceed in accordance with the parties' resolution or the Court's
25 resolution of the discovery motions, the parties request the thirty day extension of the non-expert
26 discovery cut-off. This will also serve to allow new counsel to review their file to complete their
27 discovery plan and allow defendants to do the same.

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IT IS SO STIPULATED.

Dated: February 5, 2015

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

/s/ Neli Palma
NELI PALMA
Deputy Attorney General
*Attorneys for Defendants California Highway Patrol
Officer Andrew Murrill; California Highway Patrol
Officer J. Sherman; California Highway Patrol
Sergeant Kevin Pierce; California Highway Patrol
Lieutenant John Arrabit; California Patrol Assistant
Chief Kenneth Hill; and California Highway Patrol
Commander Chief Stephen Lerwill*

Dated: February 5, 2015

GALLO LLP

By: /s/ David W. Wiechert for
RAY E. GALLO
Attorney for Plaintiffs

Dated: February 5, 2015

LAW OFFICES OF DAVID W. WIECHERT

By: /s/ David W. Wiechert
DAVID W. WIECHERT
Attorney for Plaintiffs

ORDER

IT IS SO ORDERED.

Dated: February 11, 2015


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