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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

JIMMY ST. CLAIR,
 Plaintiff,

STAN SCHLACHTER,
 Defendant.

CASE NO. No. 2:13-CV-00804-KJM-EFB

**JOINT STIPULATION AND ORDER TO
 GRANT LEAVE TO DEPOSE DR. VICTORIA
 PICKERING AND LINDA STRICKLAND
 BEYOND THE MAY 15, 2016 DISCOVERY
 CUTOFF**

Pursuant to Local Rule 143, 144, 230 and Federal Rule of Civil Procedure 29, the parties submit this Joint Stipulation and Proposed Order to Continue the May 15, 2016 discovery deadline for the limited purpose of deposing Dr. Victoria Pickering and Linda Strickland.

1. On April 4, 2016, the Court issued an order extending the discovery deadline to May 15, 2016.
2. Since the Court's order extending the deadline, the parties have worked diligently to locate and depose Dr. Pickering and Ms. Strickland.
3. Dr. Pickering was previously on leave from her employment at Mule Creek State Prison.

1 4. Throughout March of 2016, the parties attempted to work with the litigation
2 coordinator at Mule Creek State Prison, Desiree Azevedo, to determine when Dr. Pickering would
3 return to work and whether the parties could schedule her deposition.

4 5. Despite repeated attempts to accommodate Dr. Pickering's schedule, the parties were
5 informed that Dr. Pickering felt it would not be in her best interest to participate in a deposition until
6 she returned from work in June of 2016.

7 6. Following Dr. Pickering's response, the parties proposed taking Dr. Pickering's
8 deposition by written questions pursuant to Federal Rule of Civil Procedure 31.

9 7. On March 11, 2016, Ms. Azevedo responded by inquiring as to whether the
10 deposition by written questions could be conducted over the telephone.

11 8. On March 14, 2016, the parties informed Ms. Azevedo that there was no objection to
12 the deposition being conducted telephonically.

13 9. On March 15, 2016, Ms. Azevedo responded that Dr. Pickering did not have access to
14 her case notes and that "it would probably be best to wait to schedule the deposition once she is
15 cleared to return to work."

16 10. Following the Court's April 4, 2016 order, the parties followed up with Ms. Azevedo
17 regarding Dr. Pickering's availability.

18 11. Ms. Azevedo informed the parties that Dr. Pickering would be available for
19 deposition on May 13, 2016.

20 12. The parties agreed on this dates and Dr. Pickering's deposition was scheduled for
21 May 13, 2016. *See* Exhibit A.

22 13. On May 10, 2016, Ms. Azevedo informed the parties that Dr. Pickering had to
23 reschedule her deposition due to a conflict.

24 14. Both parties agree that Dr. Pickering's deposition is necessary to fully evaluate each
25 side's respective case.

26 15. The parties, Ms. Azevedo and Dr. Pickering have tentatively agreed on May 19, 2016
27 as an alternative date for her deposition at Mule Creek State Prison, subject to the Court's approval.
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1 Dated: May 12, 2016

Respectfully submitted,
SHOOK, HARDY & BACON L.L.P.

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3 By: /s/ Edward B. Gaus

4 Matthew Vanis
5 Edward Gaus

6 Attorney for Plaintiff JIMMY ST. CLAIR

7 Dated: May 12, 2016

8 LEWIS BRISBOIS BISGAARD & SMITH L.L.P.

9 By: /s/ Nicole L. Jones (as authorized on 5/12/16)

10 Christopher J. Nevis
11 Nicole L. Jones

12 Attorney for Defendant STAN SCHLACHTER

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15 **ORDER**

16 Pursuant to the parties' Joint Stipulation to Allow Limited Discovery Beyond the May 15,
17 2016 discovery deadline, ECF No. 69, the court GRANTS the parties' request to conduct the
18 depositions of Dr. Victoria Pickering and Linda Strickland beyond the May 15, 2016 discovery
19 deadline, nunc pro tunc. The depositions shall be conducted as soon as practicable without requiring
20 any other change in the schedule of the case.

21 IT IS SO ORDERED.

22 Dated: May 18, 2016

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25 UNITED STATES DISTRICT JUDGE