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9  
 10 EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

14 **MIYA SIMPSON,**

15 Plaintiff,

16 v.

17 **OFFICER GOOCH (Badge 12931); and**  
 18 **DOES 1 through 40, et al.,**

19 Defendants.

Case No. 2:13-cv-1483-JAM-AC

**AMENDED STIPULATION TO MODIFY  
 THE CASE SCHEDULING ORDER AND  
 ORDER**

Judge: The Honorable John A. Mendez  
 Trial Date: May 4, 2015  
 Action Filed: July 23, 2013

21 TO THE HONORABLE COURT:

22 The parties hereby stipulate to modifying the case scheduling order to allow additional time  
 23 to take the deposition of Plaintiff Miya Simpson and Defendant Officer Gooch. The parties  
 24 request that all pending dates be vacated and reset as follows:

- 25 1. Discovery Cutoff: February 27, 2015;
- 26 2. Dispositive Motion Filing: March 25, 2015;
- 27 3. Dispositive Motion Hearing: April 22, 2015, at 9:30 a.m.;
- 28 4. Joint Pretrial Statement Due: May 29, 2015;

1           5.     Pretrial Conference: June 5, 2015 at 11:00 a.m, and;

2           6.     Jury Trial: July 13, 2015 at 9:00 a.m.

3           The parties believe that good cause exists to modify the scheduling order because, as  
4 reported by the parties in their mid-ligation statements, counsel for Plaintiff had lost contact with  
5 Ms. Simpson and was unable to arrange for the deposition prior to the November 28, 2014,  
6 discovery cut-off. After meeting and conferring, defense counsel had to unilaterally schedule the  
7 deposition for November 21, 2014, because Ms. Simpson had not responded to any of her  
8 counsel's attempts to contact her. Predictably, Ms. Simpson did not appear for the deposition.

9           On Monday, November 23, 2014, just prior to the Thanksgiving holidays, Plaintiff re-  
10 established contact with her counsel. Counsel offered to make Ms. Simpson available for her  
11 deposition. However, with the cut-off set for the Friday after Thanksgiving, there was no time to  
12 schedule and complete the deposition, as well as any potential motions to compel, prior to the cut-  
13 off. Plaintiff has agreed to be deposed in accordance with the proposed modified schedule.

14           Defense counsel has likewise agreed to make Defendant available for deposition, so that  
15 all of the evidence will then be available to the parties for use in dispositive motions.

16           The parties have not previously requested any modifications or continuances. The interests  
17 of judicial economy favor allowing the parties to complete the depositions in order to streamline  
18 the evidence that will be presented at trial. Also, after the depositions are completed, the parties  
19 may be able to avoid a trial altogether through dispositive motions or settlement.

20           For these reasons, the parties respectfully request that the case scheduling order be modified  
21 as set forth above to allow the parties to complete discovery and present dispositive motions, if  
22 appropriate.

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IT IS SO STIPULATED.

Dated: January 15, 2015

Respectfully submitted,  
  
LAW OFFICES OF JOHNNY L. GRIFFIN,  
III  
  
*/s/ Manolo Olaso*  
  
JOHNNY L. GRIFFIN, III  
MANOLO OLASO  
*Attorneys for Plaintiff*

Dated: January 15, 2015

Respectfully submitted,  
  
KAMALA D. HARRIS  
Attorney General of California  
PETER A. MESHOT  
Supervising Deputy Attorney General  
  
*/s/ Kevin W. Reager*  
  
KEVIN W. REAGER  
Deputy Attorney General  
*Attorneys for Defendant Gooch*

IT IS SO ORDERED. The case scheduling order is modified as follows:

1. Discovery Cutoff: February 27, 2015;
2. Dispositive Motion Filing: March 25, 2015;
3. Dispositive Motion Hearing: April 22, 2015, at 9:30 a.m.;
4. Joint Pretrial Statement Due: May 29, 2015;
5. Pretrial Conference: June 5, 2015 at 11:00 a.m., and;
6. Jury Trial: July 13, 2015 at 9:00 a.m.

No other modifications will be permitted absent a showing of manifest injustice.

Dated: 1/15/2015

*/s/ John A. Mendez*  
\_\_\_\_\_  
HON. JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE