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IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO DIVISION

RANDY M. CORDERO,
 Plaintiff,
 v.
 NICK GUZMAN, et al.
 Defendant.

Case No. 2:13-cv-01551 JAM-KJN

**STIPULATED REQUEST TO CONTINUE
 EXPERT WITNESS DISCLOSURE
 DEADLINES AND ORDER**

Trial Date: July 24, 2017
 Action Filed: July 16, 2013

1 Under Federal Rules of Civil Procedure 16(b)(4) and Local Rule 143, the parties, through
2 their respective counsel of record, agree to and request a continuance of the expert witness
3 disclosure and the supplemental and rebuttal expert disclosure deadlines in the above-captioned
4 matter. As set forth below, good cause exists to grant this stipulated request because both
5 parties' require additional time to complete expert discovery.

6 A scheduling order may be modified upon a showing of good cause and by leave of
7 Court. Fed. R. Civ. P. 16(b)(4); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th
8 Cir. 1992). In considering whether a party moving for a schedule modification has good cause,
9 the court primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975
10 F.2d at 609 (citing Fed. R. Civ. P. 16 advisory committee note to 1983 amendment). "The
11 district court may modify the pretrial schedule 'if it cannot reasonably be met despite the
12 diligence of the party seeking the amendment.'" *Id.* (quoting Fed. R. Civ. P. 16 advisory
13 committee notes of 1983 amendment). The Court may also consider the prejudice to the party
14 opposing the modification. *Id.*

15 Good cause exists to grant this stipulated request because, due to weather conditions and
16 other existing conflicts, the deposition of Defendant Guzman, which was originally scheduled for
17 March 8, 2017, was continued until March 21, 2017. Both parties' expert witnesses require time
18 to review the deposition transcript and incorporate any relevant information into their expert
19 reports. Further, the parties are in the process of arranging for Plaintiff's forensics expert to
20 conduct a site visit of High Desert State Prison in late March. This will also produce relevant
21 evidence for the experts' consideration. The parties therefore agree that additional time is
22 necessary for expert witness disclosures. Extending these deadlines will not impact any other
23 pre-trial deadlines or delay the trial date.

24 Pursuant to the Court's December 20, 2016 Order, the deadline for expert witness
25 disclosures is March 28, 2017, and the deadline for supplemental and rebuttal expert disclosures
26 is April 28, 2017. Dkt. No. 133. All expert discovery must be completed by no later than June
27 2, 2017. Dkt. No. 135.

28 The parties request that the expert witness disclosure deadline be extended until April 11,

1 2017, and the deadline for supplemental and rebuttal expert disclosures be extended until May 5,
2 2017. The June 2, 2017 deadline for completion of expert discovery will remain the same.

3 IT IS SO STIPULATED.

4 Dated: March 8, 2017

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Kala Sherman-Presser
Kala Sherman-Presser

Attorneys for Plaintiff
Randy M. Cordero

ATTORNEY GENERAL'S OFFICE

By: /s/ Diana Esquivel (as authorized on March 8, 2017)
Diana Esquivel

Attorneys for Defendant
Nick Guzman

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ORDER

Good cause appearing, the parties' stipulated request to continue the expert witness disclosure deadlines is GRANTED.

Expert witness disclosures shall be made by April 11, 2017 and supplemental disclosure and disclosure of any rebuttal experts shall be made by May 5, 2017.

The June 2, 2017 deadline for completion of expert discovery shall remain in full force and effect.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 3/9/2017

/s/ John A. Mendez
John A. Mendez
United States District Court Judge