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6 Attorneys for Defendant
 7 Peninsula Fire District

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10	TOBIAS BECK,)	Case No. 2:13-CV-01644-JAM-AC
11)	
12	Plaintiff,)	STIPULATION AND DECLARATION;
13)	ORDER RE AMENDED PRETRIAL
14	vs.)	SCHEDULING ORDER
15)	
16	PENINSULA FIRE DISTRICT, and DOES 1)	Before the Honorable John A. Mendez
17	through 50,)	
18)	
19	Defendants.)	
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19 IT IS HEREBY STIPULATED by Plaintiff, TOBIAS BECK, by and through his
 20 attorneys, and Defendant, PENINSULA FIRE DISTRICT, by and through its attorneys, that the
 21 pre-trial scheduling order be amended as follows:
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- 23 • Expert witness disclosure deadline: October 2, 2015.
- 24 • Rebuttal expert witness disclosure deadline: October 23, 2015.
- 25 • Discovery to be completed by: November 6, 2015.
- 26 • Dispositive motion filing deadline: December 30, 2015.
- 27 • Dispositive motion hearing date: January 27, 2016 at 9:30 a.m.
- 28

- 1 • Joint pretrial statement due: March 9, 2016.
- 2 • Pretrial conference: March 16, 2016 at 4:00 p.m.
- 3
- 4 • Trial: April 25, 2016 at 9:00 a.m.

5 This stipulation is based upon the following facts which the parties submit show good
6 cause to adjust the pretrial scheduling order:

7 1. That on March 3, 2014, the Court established a discovery cutoff date of July 13,
8 2015.

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10 2. Since the initiation of this case, the parties have engaged in extensive written
11 discovery including exchanges of written special interrogatories and requests for production of
12 documents. However, despite this diligence, the depositions of Defendant's Fire Chief and
13 Assistant Fire Chief were not able to be scheduled until July 9, 2015 and July 10, 2015
14 respectively. Furthermore, due to the Plaintiff's unavailability to have his deposition taken due
15 to medical treatment and a move out of the area, his deposition will not be held until July 8,
16 2015. Therefore, it is submitted that despite the parties' diligence, there remains important
17 discovery to be conducted, the results of which will guide the parties in their decision on what
18 types of expert witnesses to disclose.
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21 3. Since the date of this Court's March 3, 2014 scheduling order, the parties have
22 met and conferred regarding the disclosure of expert witnesses and have come to the conclusion
23 that it would save both parties significant amounts of money and effort if experts were disclosed
24 at a later date. Such an arrangement would allow normal discovery to be completed and will
25 likely narrow the type of experts necessary and also narrow the scope of expert testimony. This
26 arrangement will also allow the parties the opportunity to discuss possible settlement
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1 negotiations and allow Plaintiff sufficient time to apply for disability retirement and a decision to
2 be rendered thereon.

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4 4. Based on the foregoing, the parties submit that good cause exists to adjust the
5 pretrial scheduling order as follows: expert witness disclosure deadline to October 2, 2015;
6 rebuttal expert witness disclosure deadline to October 23, 2015; discovery to be completed by
7 November 6, 2015; dispositive motion filing deadline to December 30, 2015; dispositive motion
8 hearing date to January 27, 2016 at 9:30 a.m.; joint pretrial statement due on March 9, 2016;
9 pretrial conference on March 16, 2016 at 4:00 p.m.; and trial on April 25, 2016 at 9:00 a.m.
10 Good cause exists because an amendment to the scheduling order will cause no prejudice to
11 either party since both parties have agreed to the continuance and the parties have confirmed
12 with the Court the availability of these new dates.
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14 5. The parties agree that this stipulation is valid under Local Rule 143.
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16 IT IS SO STIPULATED.

17 Dated: July 1, 2015

EVANS, WIECKOWSKI, WARD &
SCOFFIELD, LLP

19 /s/ Daniel Jay
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JAMES K. WARD
DANIEL JAY
Attorneys for Defendant PENINSULA
22 FIRE DISTRICT, ROBERT PHILLIPS and
23 GARY PINI

24 Dated: July 1, 2015

LAW OFFICES OF LARRY L. BAUMBACH

26 /s/ Larry L. Baumbach
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LARRY L. BAUMBACH attorney for Plaintiff
TOBIAS BECK

1 **ORDER**

2 Based upon the stipulation of the parties and good cause appearing, the Court orders that
3 the pretrial scheduling order be amended as follows:
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- 5 • Expert witness disclosure deadline: October 2, 2015.
- 6 • Rebuttal expert witness disclosure deadline: October 23, 2015.
- 7 • Discovery to be completed by: November 6, 2015.
- 8 • Dispositive motion filing deadline: December 30, 2015.
- 9 • Dispositive motion hearing date: January 27, 2016 at 9:30 a.m.
- 10 • Joint pretrial statement due: March 9, 2016.
- 11 • Pretrial conference: March 16, 2016 at 4:00 p.m.
- 12 • Trial: April 25, 2016 at 9:00 a.m.

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15 IT IS SO ORDERED.

16 Dated: 7/8/2015

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