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6 Attorneys for Defendants
 7 Peninsula Fire District, Public Entity;
 8 Robert Phillips, Public Entity Employee; and
 Gary Pini, Public Entity Employee

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11	CALEB ANDERSON,)	Case No. 2:13-CV-01736-TLN-CMK
12)	
13	Plaintiff,)	
14	vs.)	STIPULATION AND DECLARATION;
15)	ORDER RE DISCOVERY CUTOFF AND
16	PENINSULA FIRE DISTRICT, ROBERT)	EXPERT DISCLOSURE DEADLINE
17	PHILLIPS; GARY PINI and DOES 1 through)	
18	50,)	
19	Defendants.)	
20)	

21 IT IS HEREBY STIPULATED by Plaintiff, CALEB ANDERSON, by and through his
 22 attorneys, and Defendants PENINSULA FIRE DISTRICT, GARY PINI and ROBERT
 23 PHILLIPS, by and through their attorneys, that the March 26, 2015 discovery cut-off date set
 24 forth in the Court’s August 14, 2014 pretrial scheduling order be continued to August 8, 2015 in
 25 order to allow the parties sufficient time to complete depositions and written follow-up discovery
 26 in this matter. The parties also stipulate that the May 28, 2015 disclosure of expert witnesses
 27 deadline be continued to October 23, 2015 in order to allow the parties to have their dispositive
 28

1 motions heard before they needlessly spend money retaining experts and preparing expert
2 witness reports. This stipulation is based upon the following facts which the parties submit show
3 good cause to adjust the pretrial scheduling order:
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5 1. That on August 8, 2014 the Court established a non-expert discovery cut-off date
6 of March 26, 2015.

7 2. Since the initiation of this case the parties have engaged in extensive written
8 discovery including exchanges of written special interrogatories and requests for production of
9 documents. The parties have also taken the depositions of the Plaintiff and Defendants Gary Pini
10 and Robert Phillips. As a result, it is submitted that the parties have been diligent in regard to
11 discovery in this matter.
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13 3. Despite the diligence of the parties, the parties have found that a significant
14 amount of discovery still needs to be completed in order for the parties to gather all the available
15 facts; evaluate the merits of the case; prepare dispositive motions; and to possibly explore
16 resolution of this case. For example, the parties are still trying to depose Patrick Cockrane who
17 works for the State of California OSHA Enforcement Division and Debbie Harris who works for
18 the NorCal EMS Authority. The testimony of these two witnesses is critical to both sides of this
19 case. Yet, despite reasonably diligent efforts, the parties have been unable to secure the
20 depositions of these two individuals because they have been unable to serve one witness and
21 there have been scheduling issues for the other. The parties expect that the deposition testimony
22 of these Mr. Cockrane and Ms. Harris will reveal other possible witnesses who will need to be
23 deposited. Follow up written discover and subpoenas will also likely result from these
24 depositions.
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1 4. That on August 8, 2014 the Court established an expert witness disclosure
2 deadline of May 28, 2015.

3 5. Since the date of the Court's August 8, 2014 pretrial scheduling order, the parties
4 have met and conferred regarding the disclosure of expert witnesses and have come to the
5 conclusion that it would save both parties significant amounts of money if experts were disclosed
6 after this Court hears the parties' dispositive motions. Such an arrangement would likely narrow
7 the type of experts necessary and also narrow the scope of expert testimony, if experts are even
8 necessary after dispositive motions are heard.
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11 6. Based upon the foregoing, the parties submit that good cause exists to continue
12 the discovery cutoff to August 3, 2015 because the above-described witnesses are crucial to both
13 parties' preparation of their case; because an amendment to the scheduling order will cause no
14 prejudice to either party since both parties have agreed to the continuance; and because the
15 adjustment of the discovery cutoff will not affect the other dates set by this Court and the trial
16 date will not need to be continued. Furthermore, the parties submit that good cause exists to
17 adjust the expert witness disclosure deadline to October 23, 2015, a date after the current
18 dispositive motion deadline of September 24, 2015, so that the parties can possibly save money
19 by retaining fewer experts depending on how the Court rules on dispositive motions.
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22 7. That the parties agree that this stipulation is valid under Local Rule 143.

23 **IT IS SO STIPULATED.**

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1 Dated: March 6, 2015

EVANS, WIECKOWSKI & WARD, LLP

2
3 /s/ Daniel Jay

4 _____
JAMES K. WARD
5 DANIEL JAY
6 Attorneys for Defendants PENINSULA
7 FIRE DISTRICT, GARY PINI and
8 ROBERT PHILLIPS

9 Dated: March 6, 2015

LAW OFFICES OF LARRY L.
10 BAUMBACH

11 /s/ Larry L. Baumbach

12 _____
LARRY L. BAUMBACH
13 Attorney for Plaintiff CALEB
14 ANDERSON

15 **DECLARATION OF DANIEL JAY**

16 I, Daniel Jay, do hereby declare and say the following:

17 1. I am one of the attorneys of record for the Defendants in the above-entitled action.

18 I have prepared this Declaration as evidence in support of the parties' stipulation and request to
19 this Court to continue the discovery cutoff date to August 3, 2015 and the expert witness
20 disclosure deadline to October 23, 2015. The facts stated in the stipulation set forth above are
21 true and correct and based upon my personal knowledge.

22 I declare under the penalty of perjury under the laws of the United States of America that
23 the facts stated above in the stipulation of the parties is true and correct. This Declaration was
24 executed on March 6, 2015 in Sacramento, California.

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27 /s/ Daniel Jay
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