

1 LONGYEAR, O'DEA & LAVRA, LLP
 2 John A. Lavra, CSB No.: 114533
 3 Amanda L. McDermott, CSB No.: 253651
 4 3620 American River Drive, Suite 230
 5 Sacramento, CA 95864
 6 Phone: 916-974-8500
 7 Facsimile: 916-974-8510

8 Attorneys for Defendants

9 GARY W. GORSKI
 10 Attorney at Law
 11 1207 Front Street, Suite 15
 12 Sacramento, CA 95814
 13 Telephone: (916) 965-6800
 14 email: usrugby@gmail.com
 15 GARY W. GORSKI - CBN: 166526

16 DANIEL M. KARALASH
 17 Attorney at Law
 18 1207 Front Street, Suite 15
 19 Sacramento, CA 95814
 20 Telephone: (916) 787-1234
 21 email: dan@stratlaw.org
 22 DANIEL M. KARALASH - SBN: 176422

23 Attorneys for Plaintiff

24
 25
 26 **UNITED STATES DISTRICT COURT**
 27
 28 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

29 **DAVID W. GREGOIRE**
30 **Plaintiff,**

31 **vs.**

32 **COUNTY OF SACRAMENTO,**
 33 **SHERIFF'S DEPARTMENT; COUNTY**
 34 **OF SACRAMENTO; SHERIFF SCOTT**
 35 **JONES, in his official capacity only;**
 36 **DEPUTY ANTHONY JENKINS in his**
 37 **individual capacity,**
 38 **Defendant**

39 **Case No.: 2:13-cv-01857-TLN-DAD**

40 **STIPULATION AND ORDER TO**
41 **MODIFY SCHEDULING ORDER**

1 The Plaintiff David Gregoire, by and through his attorney Gary Gorski, and Defendants, by and
2 through their attorney, John Lavra stipulate as follows:

3 The purpose of this stipulation is to request that the court modify the existing scheduling order
4 by extending the remaining pretrial and trial dates.

5 This case arises as a result of the plaintiff being bitten by a Sacramento County Sheriff's canine,
6 which was under the control of Defendant Deputy Jenkins. The canine was being used in conjunction
7 with a vehicle pursuit and stop, and an arrest of the individual involved in the pursuit. Unfortunately,
8 the plaintiff was bitten by the Sheriff's canine by mistake. Plaintiff has brought state law claims for
9 personal injury and federal claims for excessive force under the Fourth Amendment and *Monell* claims
10 against the County, alleging unconstitutional policies surrounding canine use by the Sheriff's
11 Department.

12 Under the current scheduling order, November 20, 2014 is the last day for hearing on Dispositive
13 Motions. Defendant intends to file a motion for summary judgment and had every intention of doing so
14 by October 21, 2014 for a November 20, 2014 hearing date. However, Amanda McDermott is the
15 attorney in Defendant's counsel's office that has been handling this file. Ms. McDermott became
16 unexpectedly unavailable to complete the motion by the filing deadline due to an unanticipated early
17 maternity leave of absence.

18 Ms. McDermott is pregnant and due at the end of October. It was Ms. McDermott's intention to
19 remain at work until October 24, 2014, finalizing the Motion for Summary Judgment by the October 21,
20 2014 filing deadline. Ms. McDermott has already begun preparation on the motion. However, she
21 unexpectedly became ill on October 6, 2014 and was unable to work on October 7th or 8th. Defendant's
22 counsel's office anticipated her return upon recovery from her illness. However, on October 9, 2014,
23 Ms. McDermott went into labor and will not be returning to work until mid-January 2015. As a result of
24 her early labor and leave of absence, Defendants' counsel are unable to have another attorney in their
25 office learn the case and file a completed motion for summary judgment by October 21, 2014. As a
26 result, the parties hereby stipulate to continue the last day for hearing dispositive motions by
27 approximately 55 days.

1 The parties stipulate to modify the scheduling order as follows:

2 Last day for hearing dispositive motions – current deadline of November 20, 2014. Proposed
3 new deadline: **January 15, 2015**. All other dates shall remain the same.

4
5 **IT IS SO STIPULATED**

6 Dated: October 21, 2014

LONGYEAR, O'DEA & LAVRA, LLP

7 By: /s/ John A. Lavra

8 JOHN A. LAVRA
9 AMANDA L. MCDERMOTT
Attorneys for Defendants

10 Dated: October 21, 2014

LAW OFFICES OF GARY GORSKI

11 By: /s/ Gary Gorski

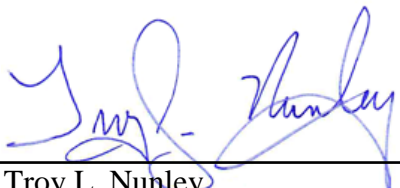
12 GARY GORSKI
13 Attorney for Plaintiff

14
15 **ORDER**

16 Pursuant to stipulation, it is ordered that the last day for hearing dispositive motions is January
17 15, 2015. All other dates shall remain the same.

18 **IT IS SO ORDERED:**

19
20 Dated: October 21, 2014

21
22 
23 Troy L. Nunley
24 United States District Judge