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 9 YUBA CITY UNIFIED SCHOOL DISTRICT
 10 and SUTTER COUNTY SUPERINTENDENT OF
 11 SCHOOLS

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

14 DAVID SWANSON, through his guardian)	Case No. 2:14-cv-01431-KJM-EFP (TEMP)
15 ad litem HEATHER SWANSON-)	
16 HOUSTON , and on her own behalf,)	STIPULATION AND DECLARATION;
17)	ORDER TO ADJUST PRE-TRIAL
18 Plaintiffs,)	SCHEDULING ORDER
19)	
20 vs.)	
21)	
22 YUBA CITY UNIFIED SCHOOL)	Before the Honorable Kimberly J. Mueller
23 DISTRICT and SUTTER COUNTY)	
24 SUPERINTENDENT OF SCHOOLS,)	
25)	
26 Defendants.)	
27)	

28 IT IS HEREBY STIPULATED by Plaintiffs, DAVID SWANSON and HEATHER SWANSON-HOUSTON, by and through their attorneys, and Defendants, YUBA CITY UNIFIED SCHOOL DISTRICT and SUTTER COUNTY SUPERINTENDENT OF SCHOOLS, by and through their attorneys, that the pre-trial scheduling order be amended as follows:

- Discovery cut-off: July 22, 2016.
- Expert Disclosure: August 19, 2016.
- Rebuttal Expert Disclosure: September 9, 2016.

- Expert Discovery cut-off: October 10, 2016.

THE PARTIES FURTHER STIPULATE that the law and motion date of July 29, 2016, the pre-trial conference date of October 13, 2016 and the trial date of December 5, 2016 set forth in the current pre-trial scheduling order shall remain the same.

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

1. That on June 18, 2015, the Court established a discovery cut-off date of March 1, 2016.

2. That on February 18, 2016 the Court established a cut-off for all discovery of June 30, 2016.

3. That since the date of the June 18, 2015 original scheduling order, the parties have been diligently conducting discovery in a related state court case entitled *David Swanson v. Sutter County Superintendent of Schools, et al.* (Sutter County Superior Court case number CVCS 13-2115) which involves the same parties, the same core-set of facts relating to David Swanson's enrollment in Defendants' school programs and his treatment in those programs. Defendant Sutter County Superintendent of Schools is also involved in a related federal court case entitled *Armstrong v. Sutter County Superintendent of Schools* (Eastern District of California case number 2:13-cv-02624) which involves the alleged retaliatory termination of David Swanson's one-on-one caregiver, Annette Armstrong, and where it is also claimed that Ms. Armstrong was terminated because she advocated for David Swanson and reported physical abuse. The state court *Swanson* and *Armstrong* cases also involve many of the same witnesses that may be called to testify in the instant matter. Thus, it is expected that some of the discovery conducted in these two related cases will be useful to the defense and prosecution of the instant

1 matter but the parties would like additional time in the instant matter to finalize discovery to
2 cover issues not addressed in the two related cases or addressed in the underlying administrative
3 record in the instant matter. The discovery in the two related cases is still ongoing. Thus, the
4 parties submit that there remains important follow-up discovery to be conducted in the instant
5 case.
6

7 4. That since the date of the original scheduling order of June 18, 2015, the parties
8 have met and conferred regarding the disclosure of expert witnesses and have come to the
9 conclusion that it would save both parties significant amounts of money and effort if experts
10 were disclosed after this Court hears the parties' dispositive motions which will occur no later
11 than July 29, 2016. Such an arrangement will likely narrow the type of experts necessary and
12 also narrow the scope of expert testimony, if experts are even necessary after dispositive motions
13 are heard.
14

15 5. The parties, who all agree that the adjusted deadlines are necessary and
16 reasonable, have meet and conferred and have agreed to the revised timeline set forth above.
17 Furthermore, the proposed adjustment to the scheduling order will not result in a change of the
18 trial date or other hearing date in this matter.
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20 6. Based on the foregoing, the parties submit that good cause exists to adjust the
21 pretrial scheduling order as follows: regular discovery cut-off to July 22, 2016; expert disclosure
22 to August 19, 2016; rebuttal expert disclosure to September 9, 2016; and expert discovery cut-off
23 to October 31, 2016. The parties ask that all other dates remain as stated in the original
24 scheduling order.
25

26 7. The parties agree that this stipulation is valid under Local Rule 143.
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28 **IT IS SO STIPULATED.**

1 Dated: April 29, 2016

EVANS, WIECKOWSKI, WARD &
SCOFFIELD, LLP

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4 /s/ Daniel Jay

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JAMES K. WARD
DANIEL JAY
Attorneys for Defendants SUTTER
COUNTY SUPERINTENDENT OF
SCHOOLS and YUBA CITY
UNIFIED SCHOOL DISTRICT

9 Dated: April 29, 2016

MARTHA MILLAR LAW

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11 /s/ Martha Millar

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MARTHA MILLAR
Attorneys for Plaintiffs DAVID
SWANSON and HEATHER
SWANSON-HOUSTON

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DECLARATION OF DANIEL JAY

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

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

19 I have prepared this Declaration as evidence in support of the parties' request to adjust the
20 pretrial scheduling order in this matter. The facts stated in the stipulation set forth above are true
21 and correct and based upon my personal knowledge.
22

23 I declare under the penalty of perjury under the laws of the United States of America that
24 the facts stated above in the stipulation of the parties are true and correct. This Declaration was
25 executed on April 29, 2016 in Sacramento, CA.
26

27 /s/ Daniel Jay

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DANIEL JAY

