

1 Lori Rifkin, Esq. [S.B. #244081]
 HADSELL STORMER & RENICK LLP
 2 4300 Horton Street, #15
 Emeryville, CA 94608
 3 Telephone: (415) 685-3591/Facsimile: (626) 577-7079
 4 Email: lrifkin@hadsellstormer.com

5 Dan Stormer, Esq. [S.B. #101967]
 Brian Olney, Esq. [S.B. #298089]
 6 HADSELL STORMER & RENICK LLP
 7 128 N. Fair Oaks Ave.
 Pasadena, CA 91103
 8 Telephone: (626) 585-9600/Facsimile: (626) 577-7079
 9 Emails: dstormer@hadsellstormer.com
 bolney@hadsellstormer.com

10 Attorneys for Plaintiff

11 DANA A. SUNTAG, State Bar Number: 125127
 12 JOSHUA STEVENS, State Bar Number: 238105
 HERUM\CRABTREE\SUNTAG
 13 *A California Professional Corporation*
 3757 Pacific Avenue, Suite 222
 14 Stockton, California 95207
 15 Telephone: (209) 472-7700/Facsimile: (209) 472-7986
 Dsuntag@herumcrabtree.com
 16 jstevens@herumcrabtree.com

17 Attorneys for All Defendants

18 **UNITED STATES DISTRICT COURT**
 19 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

Nathaniel Smith,

Plaintiff,

v.

22 City of Stockton; Officer Patrick Mayer,
 23 Officer Robin Harrison, and Officer
 Michael Perez, in their individual
 24 capacities; and Chief of Police Eric Jones,
 in his official and individual capacities,

Defendants.

Case No.: 2:15-cv-00363-KJM-AC

[Assigned to the Honorable Kimberly J.
 Mueller – Courtroom 3]

**JOINT STIPULATED REQUEST &
 ORDER TO MODIFY SCHEDULING
 ORDER**

Complaint filed: February 12, 2015
 Discovery Cut-Off: April 28, 2017
 Motion Cut-Off: June 16, 2017
 Trial Date: November 6, 2017

28
 JOINT STIPULATED REQUEST TO MODIFY
 SCHEDULING ORDER; ORDER

1 Plaintiff NATHANIEL SMITH and Defendants CITY OF STOCKTON,
2 OFFICER ROBIN HARRISON, OFFICER PATRICK MAYER, OFFICER MICHAEL
3 PEREZ, and CHIEF OF POLICE ERIC JONES (also hereinafter collectively referred to
4 as “Defendants”), by and through their undersigned counsel of record, and subject to the
5 approval of the court, hereby stipulate as follows:

6 Whereas, the parties have agreed to engage in mediation in a good-faith effort to
7 resolve the case; and

8 Whereas, in order to focus on trying to resolve the case, the parties have agreed
9 to jointly request modification of the scheduling order that continues various discovery
10 deadlines, but does not change dispositive motion and trial dates; and

11 Whereas, mediation is scheduled for February 17, 2017; and

12 Whereas, the expert disclosure deadline in this case is currently March 3, 2017,
13 and the expert rebuttal deadline is currently March 24, 2017; and

14 Whereas, the parties have agreed to produce outstanding discovery by February
15 28, 2017, and to a tentative deposition schedule allowing for completion of outstanding
16 depositions between February 22 and March 23, 2017; and

17 Whereas, when an act must be done within a specified time, the court may, for
18 good cause, extend the time with or without motion or notice of the court acts, or if a
19 request is made, before the original time expires. Fed. R. Civ. P. 6(b)(1)(A); *see also*
20 *Johnson v. Mammoth Recreations, Inc.* 975 F.2d 604, 609 (9th Cir. 1992) (“The district
21 court may modify the pretrial schedule ‘if it cannot be reasonably met despite the
22 diligence of the party seeking the amendment.’”);

23 The parties request that the Court modify the operative scheduling order in this
24 case as follows:

	Current	Proposed
Expert Disclosure Deadline	3/3/17	3/31/17
Expert Rebuttal Deadline	3/24/17	4/12/17
Discovery Cut-off	4/28/17	Unchanged

Last Day to Hear Dispositive Motions	6/16/17	Unchanged
Joint Pretrial Statement Filing Deadline	09/01/17	Unchanged
Final Pretrial Conference	09/22/17	Unchanged
Trial	11/06/17	Unchanged

Based on the foregoing, the parties respectfully request that the Court approve this stipulated modification of the scheduling order.

Respectfully Submitted,

Dated: January 19, 2017

HADSELL STORMER & RENICK LLP

By: /s/ - Lori Rifkin
Lori Rifkin
Attorney for Plaintiff

Dated: January 19, 2017

HERUM\CRABTREE\SUNTAG

By: /s/ - Joshua Stevens
Joshua Stevens
Attorney for All Defendants

ORDER

The Court, having considered the parties' stipulation, and good cause appearing, the Joint Stipulated Request to Modify the Scheduling is GRANTED and all parties shall comply with its provisions as follows:

	Deadline
Expert Disclosure Deadline	3/31/17
Expert Rebuttal Deadline	4/12/17
Discovery Cut-off	4/28/17
Last Day to Hear Dispositive Motions	6/16/17
Joint Pretrial Statement Filing Deadline	09/01/17
Final Pretrial Conference	09/22/17
Trial	11/06/17

IT IS SO ORDERED.

DATED: January 25, 2017


UNITED STATES DISTRICT JUDGE