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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

JESSE PEREZ, III,	2:15-cv-0521 CKD PC
Plaintiff,	**STIPULATION AND ORDER FOR MODIFICATION OF THE COURT'S PRETRIAL SCHEDULING ORDER (DOC. 22)**
v.	
L. SCMIDT,	
Defendant,	

COMES NOW Defendant L. Schmidt, through her attorney of record, and Plaintiff Jesse Perez, III, in pro per, and subject to the approval of this Court, hereby stipulate and respectfully request modification of this Court's Pretrial Scheduling Order of August 4, 2015 (Doc. No. 22). The parties have propounded written discovery and need additional time to complete discovery.

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1 On September 15, 2015, counsel for Defendant Schmidt sent Plaintiff an authorization for

2 release of relevant medical records and 602 appeals. On or about September 30, 2015, counsel for

3 defendant Schmidt received Plaintiff's signed authorization. Counsel for defendant has provided

4 Plaintiff with a copy of the relevant medical records and 602 appeals received with the authorization

5 Plaintiff signed.

6 On or about September 28, 2015, Defendant Schmidt propounded one set of special

7 interrogatories and one set of request for production of documents to Plaintiff. The Court's scheduling

8 order provides that responses to discovery are due forty-five (45) days after the discovery request is

9 served. Plaintiff's initial due date to respond to Defendant's written discovery was November 12,

10 2015. Plaintiff requested an extension of time to respond because he was expecting a transfer to a

11 different facility and all his paperwork and property were packed up, which caused a delay in

12 responding. Defendant Schmidt agreed to give Plaintiff until November 30, 2015 to respond to the

13 discovery requests.

14 On or about October 19, 2015, counsel for Defendant Schmidt received Plaintiff's first set of

15 special interrogatories and request for production of documents. Although Plaintiff's proof of service

16 was dated October 1, 2015, counsel for Defendant Schmidt did not receive them until October 19,

17 2015. At that time, Defendant Schmidt was on vacation. Defendant Schmidt returned to work on

18 November 2, 2015. Counsel for defendant Schmidt sent a letter to Plaintiff requesting a two week

19 extension of time or from November 14, 2015, up to and including November 30, 2015. Plaintiff has

20 agreed to the extension of time.

21 Because the parties have been diligent in conducting discovery and need additional time to

22 complete discovery, there is good cause to modify the scheduling order. Therefore, the parties propose

23 the following schedule:

24 The discovery completion deadline of November 30, 2015 be extended ninety (90) days or until

25 **February 29, 2016.** No new discovery requests can be served without leave of court.

26 The pretrial motions deadline of February 19, 2016 be extended ninety (90) days or until **May**

27 **20, 2016.**

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IT IS SO STIPULATED

Dated: November 20, 2015

Attorney General's Office of California

By:_/s/ *Jennifer Marquez*
_____
JENNIFER MARQUEZ
Deputy Attorney General
Attorneys for Defendant L. Schmidt

Dated: November 10, 2015

IN PRO PER

By:_/s/ *Jesse Perez, III*

_____

JESSE PEREZ, III
Plaintiff, In Pro Per

IT IS SO ORDERED

Dated: November 25, 2015

_____
CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

STIPULATION AND [PROPOSED] ORDER FOR MODIFICATION OF THE COURT'S PRETRIAL
SCHEDULING ORDER (DOC. 22) (2:15-cv-0521 CKD PC)