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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

13
14 **JESSE PEREZ, III,**

15 Plaintiff,

16 v.

17 **L. SCMIDT,**

18 Defendant,
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21

2:15-cv-0521 CKD PC

**STIPULATION AND
ORDER FOR MODIFICATION OF THE
COURT'S PRETRIAL SCHEDULING
ORDERS (DOCS. 22 and 31)**

22 COMES NOW Defendant L. Schmidt, through her attorney of record, and Plaintiff Jesse
23 Perez, III, in pro per, and subject to the approval of this Court, hereby stipulate and respectfully
24 request modification of this Court's Pretrial Scheduling Orders (Doc. 22 and 31.) The parties need
25 additional time to complete discovery.

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1 On December 10, 2015, Defendant served Plaintiff with Special Interrogatories, Set Two.
2 The Court's scheduling order provides that responses to discovery are due forty-five (45) days
3 after the discovery request is served. Plaintiff's due date to respond to Defendant's written
4 discovery was January 24, 2016. Defendant received Plaintiff's responses on or about January 27,
5 2016. After reviewing Plaintiff's responses, Defendant sent Plaintiff a meet and confer letter on
6 January 28, 2016 to address deficiencies in Plaintiff's responses. Defendant requested that Plaintiff
7 provide amended responses by February 11, 2016. Plaintiff then sent Defendant a letter dated
8 February 13, 2016 stating that he was working on the discovery responses and would have them to
9 defendant "ASAP."

10 The week of March 7, 2016, counsel for Defendant was unexpectedly out of the office and
11 out of town due to a family medical emergency. When counsel for Defendant returned to the office
12 on March 14, 2016, counsel worked on trial preparation for a trial that started March 29, 2016 and
13 lasted until April 5, 2016.

14 On or about March 21, 2016, counsel for Defendant received a letter from Plaintiff stating
15 that he had been temporarily transferred to Lerdo Pretrial Facility in Bakersfield, California, to
16 attend a criminal proceeding in Kern County Superior Court. Plaintiff anticipates he will be at that
17 location for four months or until the end of July of 2016. Plaintiff's letter also stated that he did not
18 have his discovery responses (interrogatories) that he was working on as part of our meet and
19 confer efforts. Plaintiff also does not have his complaint.

20 On April 8, 2016, counsel for Defendant responded to plaintiff's letter. Defendant sent
21 plaintiff a courtesy copy of his complaint and the discovery responses at issue, along with
22 defendant's prior meet and confer letter dated January 27, 2016. Defendant requested plaintiff
23 provide his responses no later than May 2, 2016. If Plaintiff and Defendant are unable to resolve
24 the discovery issue, Defendant will need to file a motion to compel further responses.

25 Additionally, on January 25, 2016, Defendant served Plaintiff with a Notice to Consumer
26 regarding a subpoena for Plaintiff's medical records from San Joaquin General Hospital and a copy
27 of the subpoena for Plaintiff's medical records from San Joaquin General Hospital. Plaintiff did
28 not object. Due to a clerical error regarding plaintiff's date of birth, the subpoena has been

1 re-issued and documents are requested to be produced on April 22, 2016.

2 Once written discovery is completed, Defendant may wish to depose Plaintiff. Pursuant to
3 Federal Rules of Civil Procedure 30 and the Court's Scheduling Order (Doc. 22), Defendant must
4 provide at least fourteen (14) days notice to depose Plaintiff. Plaintiff is currently under the
5 custody of Kern County at Lerdo Pretrial Facility until, at least, the end of July of 2016. Plaintiff
6 will return to the custody of High Desert State Prison sometime thereafter. Thus, Plaintiff's
7 deposition date will likely need to be coordinated with county officials at Lerdo Pretrial Facility, who
8 require about ten days notice for scheduling depositions.

9 This is the third stipulation to modify the court's scheduling order. The parties previously
10 stipulated and the court approved a modification of the court's scheduling order. (Docs. 27 and
11 29).

12 Because the parties have been diligent in conducting discovery and need additional time to
13 complete discovery, there is good cause to modify the scheduling order. Therefore, the parties
14 propose the following schedule:

15 The discovery completion deadline of April 29, 2016 be extended one hundred and ten days
16 (110) days or until **August 18, 2016**.

17 The pretrial motions deadline of July 20, 2016 be extended ninety (90) days or until
18 **October 20, 2016**.

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IT IS SO STIPULATED

Dated: April 26, 2016

Attorney General's Office of California

By: /s/ Jennifer Marquez

JENNIFER MARQUEZ
Deputy Attorney General
Attorneys for Defendant L. Schmidt

Dated: April 21, 2016

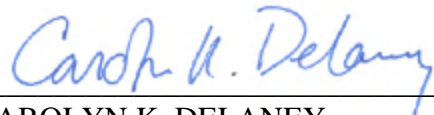
IN PRO PER

By: /s/ Jesse Perez, III

JESSE PEREZ, III
Plaintiff, In Pro Per

IT IS SO ORDERED

Dated: April 28, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

SA2015300903