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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL SEARS,

Plaintiff,

v.

COUNTY OF BUTTE, BUTTE COUNTY
SHERIFF’S OFFICE; ANDY DUCH; JOHN
KUHN; and DOES 1 through 100, inclusive,

Defendants.

CASE NO.: 2:15-cv-00589-MCE-CMK

**STIPULATION TO RE-OPEN NON-
EXPERT DISCOVERY FOR LIMITED
PURPOSES AND CONTINUE THE NON-
EXPERT DISCOVERY DEADLINE,
EXPERT DISCLOSURE DEADLINE,
AND EXPERT DISCOVERY CUTOFF;
ORDER THEREON**

Complaint Filed: 3/16/15

///

1 This Stipulation is entered into by and between Plaintiff MICHAEL SEARS (“Plaintiff”) and
2 Defendants COUNTY OF BUTTE, BUTTE COUNTY SHERIFF’S OFFICE, ANDY DUCH, and
3 JOHN KUHN (“Defendants”) through counsel of record.

4 The Court previously set the ordinary discovery deadline for February 13, 2017. The Court
5 continued the deadline to March 5, 2017, for the limited purpose for Defendants to complete the
6 deposition of Deputy Dan Angel, who had requested his deposition be taken in late February or early
7 March 2017.

8 On October 31, 2017, Sears resigned from his employment with the Butte County Sheriff’s
9 Office, to accept a position working as a police officer with the Oroville Police Department. In
10 addition to all other claims also asserted in this case, Plaintiff alleges (1) his resignation constitutes
11 constructive discharge, (2) his pay and benefits are less at the Oroville Police Department than they
12 were at the Butte County Sheriff’s Office, and (3) he is entitled to the difference as damages. Plaintiff
13 also asserts that because of the harassment, discrimination, and retaliation he was subjected to,
14 including but not limited to being denied promotional opportunities and special assignments while
15 working at the Butte County Sheriff’s Office, he continues to suffer wage loss while working at the
16 Oroville Police Department due to entering the Oroville Police Department at a lower grade than he
17 otherwise would have been able to. Defendants contend Plaintiff’s resignation was voluntary and,
18 even if it was not, Plaintiff failed to mitigate his damages by accepting a lesser paying position.

19 The parties have conferred and agree to re-open non-expert discovery for the limited purpose
20 of investigating Sears’ constructive discharge claim and related damages, including discovery into:
21 (1) facts and circumstances related to Plaintiff’s alleged constructive termination from the Butte
22 County Sheriff’s Office; (2) facts and circumstances related to damages Plaintiff alleges he suffered
23 as a result of the alleged constructive termination; (3) facts and circumstances related to Plaintiff’s
24 efforts to mitigate the damages he alleges he suffered as a result of being wrongfully terminated by
25 attempting to obtain other employment; and (4) facts and circumstances related to Defendants’
26 contention that Plaintiff’s damages are limited by alleged after-acquired evidence of misconduct on
27 the job which would have served as independent grounds for the Plaintiff’s termination, including
28 Defendants’ contention that the Butte County Sheriff’s Office would have fired Plaintiff based on

1 such after-acquired evidence. The parties agree that the new non-expert discovery deadline should be
2 June 15, 2018. The parties submit good cause exists to extend the non-expert deadline for discovery
3 for this limited purpose.

4 The Court previously set the deadline for Disclosure of Expert Witnesses to be April 13, 2018.
5 The parties have conferred and agree that the expert disclosures should be made after non-expert
6 discovery has concluded, considering the parties' experts may need to rely on information obtained
7 after non-expert discovery is re-opened. The parties agree that the new deadline for the Disclosure of
8 Expert Witnesses should be August 3, 2018. The parties further agree that the deadline to complete
9 expert discovery should be October 5, 2018. The parties submit good cause exists to extend the
10 deadline for the Disclosure of Expert Witnesses and deadline to complete expert discovery for this
11 purpose.

12 **IT IS SO STIPULATED.**

13
14 Dated: March 30, 2018

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15
16 By /s/ Stephen E. Horan
17 Stephen E. Horan
18 William E. Camy
19 Attorneys for Defendants COUNTY
20 OF BUTTE, BUTTE COUNTY
SHERIFF'S OFFICE, ANDY DUCH
and JOHN KUHN

21
22 Dated: March 27, 2018

MASTAGNI HOLSTEDT
A PROFESSIONAL CORPORATION

23
24 By /s/ Grant A. Winter (authorized 3/27/18)
25 Grant A. Winter
26 Attorney for Plaintiff
27 MICHAEL SEARS
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ORDER


Based upon the Stipulation of the parties:

1. Non-expert discovery is re-opened for the limited purposes outlined above.
2. The new deadline to complete non-expert discovery is June 15, 2018.
3. The new deadline to disclose expert witnesses is continued to August 3, 2018.
4. The new deadline to complete expert discovery is October 5, 2018.

All other provisions of the operative Pretrial Scheduling Order remain in effect.

IT IS SO ORDERED.

Dated: March 30, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE