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 15 **UNITED STATES DISTRICT COURT**
 16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

<p>17 JONATHAN EARL DANNER,</p> <p>18</p> <p>19 Plaintiff,</p> <p>20 vs.</p> <p>21 THE COUNTY OF SAN JOAQUIN, and</p> <p>22 MANUEL ANDRADE,</p> <p>23 Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No.: 2:15-cv-00887-MCE-EFB</p> <p>JOINT OBJECTION TO THE INITIAL</p> <p>PRETRIAL SCHEDULING ORDER;</p> <p>STIPULATION AND PROPOSED ORDER</p> <p>FOR MODIFICATION OF THE INITIAL</p> <p>PRETRIAL SCHEDULING ORDER.</p>
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25 Pursuant to Fed. Rules Civ. Proc., rule 16(b)(4), by stipulation of all parties, and good

26 cause showing therefor, Defendants COUNTY OF SAN JOAQUIN and MANUEL ANDRADE

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1 (collectively hereinafter “Defendants”) and Plaintiff JONATHAN DANNER hereby move this
2 Court to modify the Initial Pretrial Scheduling Order. (ECF No. 24.)

3 **I. PROCEDURAL BACKGROUND**

4 On April 24, 2015, Plaintiff filed his original Complaint in this matter. (ECF No. 1.)

5 On August 18, 2015, Defendants COUNTY OF SAN JOAQUIN and MANUEL
6 ANDRADE filed a motion to dismiss Plaintiff’s complaint pursuant to Fed. Rules Civ. Proc., rule
7 12(b)(6). (ECF No. 13.)

8 On December 2, 2015, the court GRANTED in part and DENIED in part Defendants’
9 motion to dismiss. (ECF No. 18.)

10 On December 21, 2015, Plaintiff filed a First Amended Complaint. (ECF No. 19.)

11 On January 11, 2016, Defendants filed Answers to Plaintiff’s First Amended Complaint.
12 (ECF Nos. 20, 21.)

13 On May 4, 2016, the Court issued a Pretrial Scheduling Order. (ECF No. 24.) The
14 Pretrial Scheduling Order required, “[a]ll discovery, with the exception of expert discovery,
15 shall be completed no later than three hundred sixty-five (365) days from the filing of the
16 original complaint in the action.” (ECF No. 24, 2:18-20.)

17 **II. STIPULATION AND STATEMENT OF GOOD CAUSE**

18 Good cause exists to modify the Pretrial Scheduling Order.

19 As the scheduling order currently directs, discovery is to be completed by April 24, 2016
20 (“365 days from the filing of the original complaint”). This date has already passed and already
21 passed when the court issued the May 4, 2016 Pretrial Scheduling Order. Neither party has
22 conducted discovery yet.

23 The parties hereby stipulate and request that the Court modify the Pretrial Scheduling
24 Order such that the non-expert discovery cut-off date be set to three hundred sixty-five (365)
25 days from the December 21, 2015 filing of Plaintiff’s First Amended Complaint. Accordingly,
26 the new proposed non-expert discovery cut-off date would be December 21, 2016. All other
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1 timelines in the Court's Pretrial Scheduling Order would remain the same, as they are
2 conditioned on occurring within a set number of days after the non-expert discovery cut-off date.

3 Defendants and Plaintiff, by and through their attorneys of record, hereby stipulate and
4 agree to the foregoing modification of the Scheduling Order.

5 DATED: May 13, 2016

MAYALL HURLEY, P.C.

7 /s/ *Mark E. Berry*

8 By _____

MARK E. BERRY, Esq.
Attorney for Defendants, COUNT OF SAN
9 JOAQUIN and MANUEL ANDRADE

10 DATED: May 13, 2016

THE LAW OFFICE OF YOUSEF J. TOTAH

11 /s/ *Yousef J. Totah* (as authorized on 5/13/16)

12 By _____

13 YOUSEF J. TOTAH, Esq.
Attorney for Plaintiff, JONATHAN DANNER


14 **ORDER**

15 By stipulation of the parties and good cause appearing therefor, the Court hereby Orders
16 that the Pretrial Scheduling Order (ECF No. 24) is modified as follows:

17 **All discovery in this action, with the exception of expert discovery, shall be**
18 **completed no later than December 21, 2016. The previous date of April 24, 2016 is hereby**
19 **vacated.**

20 **IT IS SO ORDERED.**

21 Dated: May 16, 2016

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23 _____
24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE