

1 CAROLEE G. KILDUFF, ESQ., SB No. 107232
 2 Email: ckilduff@akk-law.com
 3 SERENA M. WARNER, ESQ., SB No. 264799
 4 Email: swarner@akk-law.com
 5 **ANGELO, KILDAY & KILDUFF, LLP**
 6 Attorneys at Law
 7 601 University Avenue, Suite 150
 8 Sacramento, CA 95825
 9 Telephone: (916) 564-6100
 10 Telecopier: (916) 564-6263

11 Attorneys for Defendants CITY OF LODI and ED FITZPATRICK

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA**

14 ANDREW PERALES, an individual,)	Case No.: 2:15-cv-01107-MCE-CKD
)	
15 Plaintiff,)	
)	STIPULATION AND REQUEST TO
16 vs.)	MODIFY PRE-TRIAL SCHEDULING
)	ORDER PURSUANT TO FRCP 16(b);
17 CITY OF LODI; ED FITZPATRICK, an)	ORDER THEREON
18 individual; and DOES 1 through 50, inclusive,)	
)	
19 Defendants.)	
)	

20 Defendants CITY OF LODI and ED FITZPATRICK, and Plaintiff ANDREW
 21 PERALES, through their respective attorneys, hereby stipulate, with the Court's permission, to
 22 extend the date for expert disclosure by sixty (60) days, from the current date of November 18,
 23 2016 to January 17, 2017. The parties stipulate to the following facts: Plaintiff and Defendants
 24 have completed discovery and have agreed this would be a good time to attempt to settle the case
 25 through a private mediation, before they have incurred the expense of experts. The parties
 26 believe they will have a better opportunity to settle the case before they have expended the
 27 necessary funds to facilitate and obtain the expert reports required for expert disclosure, and
 28 before any expert discovery.

1 Further, the parties have agreed upon a third party neutral, Alan Berkowitz of Judicate
2 West, and reserved November 21, 2016 for an all day mediation. The parties request that the date
3 for expert disclosure, currently scheduled for November 18, 2016, be moved to allow the
4 mediation to occur before they incur the additional expense of experts and submit that this
5 scheduled mediation and attempt at settlement is good cause to modify the pre-trial order. The
6 parties agree that no further modification of the pre-trial order is requested or necessary at this
7 time.

8 Dated: October 21, 2016

BASHAM LAW GROUP

9 /s/ Gary R. Basham [10/21/16 approved]

10 By _____

11 GARY R. BASHAM
12 NATHAN T. JACKSON
13 Attorneys for Plaintiff
14 ANDREW PERALES

15 Dated: November 1, 2016

ANGELO, KILDAY & KILDUFF, LLP

16 /s/ Carolee G. Kilduff

17 By: _____

18 CAROLEE G. KILDUFF
19 SERENA M. WARNER
20 Attorney for Defendants
21 CITY OF LODI and
22 ED FITZPATRICK

23 ORDER

24 Having reviewed the foregoing stipulation and good cause appearing, it is hereby
25 ordered that the date for disclosure of expert witnesses is continued from November 18, 2016
26 to January 17, 2017. All other dates set forth in the Court's Pretrial Scheduling Order filed
27 October 14, 2015 (ECF No. 9) remain in full force and effect.

28 IT IS SO ORDERED.

Dated: November 1, 2016


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE