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10 Attorneys for Plaintiff MARTIN GASCA

11 **UNITED STATES DISTRICT COURT**

12 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

13 MARTIN GASCA, an individual) Case No.: 2:15-cv-01109-WBS-CKD
14 Plaintiff,)
15 vs.) **STIPULATION TO MODIFY**
16 COUNTY OF SACRAMENTO, a municipal) **SCHEDULING ORDER**
17 corporation; DOE OFFICER 1 and DOES 2-)
18 25,)
Defendants.)

19 The Plaintiff Martin Gasca, by and through his attorneys, and Defendants, County of
20 Sacramento and Deputy Nathan Burnette, by and through their attorneys, stipulate as follows:

21 The purpose of this stipulation is to request that the court modify the existing scheduling
22 order by extending the date for expert disclosures and rebuttal expert disclosures.

23 Plaintiff claims that he was unlawfully battered in his home by a police officer working
24 for the County of Sacramento in violation of state law and his civil rights pursuant to 42 USC
25 1983. Plaintiff further claims that Defendant County of Sacramento was negligent in the hiring,
26 training, disciplining and supervision of said officer. Plaintiff claims these acts and omissions by
27 defendants caused him serious and permanent injuries, emotional distress and economic
28 damages. Defendant denies each and every claim made by Plaintiff.

1 The complaint was filed in Sacramento Superior Court on April 14, 2015. Defendants
2 answered the Complaint on May 21, 2015 and removed the case to the U.S. District Court on
3 May 22, 2015. On August 27, 2015, the parties submitted their Joint Status Report, requesting
4 Expert Disclosures be due on September 16, 2016. However, in its Scheduling Order, the Court
5 ordered Expert Disclosure for March 14, 2016 and Rebuttal Expert Disclosures for April 11,
6 2016.

7 The parties are actively engaged in discovery. Plaintiff has served Interrogatories,
8 Requests for Production of Documents, and Requests for Admissions. Defendants have also
9 served written discovery including Interrogatories, and Requests for Production of Documents.
10 The deposition of the Plaintiff is scheduled for January 27, 2016. The deposition of Defendant
11 Burnette and third party County witnesses are scheduled for February 19, 2016.

12 In light of the foregoing, the parties cannot complete discovery on the claims and
13 defenses with sufficient remaining time for comprehensive review by an expert before the
14 current March 14, 2016 deadline. Thus, the Parties have stipulated to extend the time for expert
15 disclosures.

16 The parties stipulate to modify the scheduling order as follows:

- 17 1. Expert Disclosure – May 13, 2016
- 18 2. Rebuttal Expert Disclosure- June 10, 2016

19 All other dates shall remain the same.

20 IT IS SO STIPULATED

21 Dated: January 13, 2016

LONGYEAR, O'DEA & LAVRA, LLP

22
23 By: /s/ Kelley S. Kern
JOHN A. LAVRA
KELLEY S. KERN
24 Attorneys for Defendant

25 Dated: January 13, 2016

LAW OFFICE OF BROWN & GESSELL

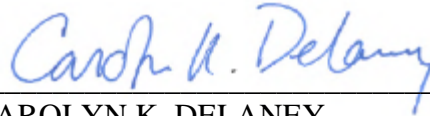
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27 By: /s/ Douglas A. Gessell
DOUGLAS A. GESSELL
STEVEN L. BROWN
28 Attorneys for Plaintiff

ORDER

Pursuant to stipulation, it is ordered that the parties exchange Expert Witness Reports by May 13, 2016 and Rebuttal Expert Witness Reports by June 10, 2016.

IT IS SO ORDERED:

Dated: January 19, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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