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ESTATE OF JOSEPH ARLEO, DECEASED  
and  
ANTHONY PESOLA, ADMINISTRATOR OF  
THE ESTATE OF JOSEPH ARLEO

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESTATE OF JOSEPH ARLEO,  
DECEASED

and

ANTHONY PESOLA, ADMINISTRATOR  
OF THE ESTATE OF JOSEPH  
ARLEO,

Defendants.

No. 2:15-CV-01239-JAM-KJN

**STIPULATION AND ORDER THEREON TO  
AMEND SCHEDULING ORDER**

Plaintiff UNITED STATES OF AMERICA ("United States") and  
Defendants ESTATE OF JOSEPH ARLEO, DECEASED (the "Estate") and  
ANTHONY PESOLA, ADMINISTRATOR OF THE ESTATE OF JOSEPH ARLEO (the  
"Administrator"), by and through their respective attorneys of  
record, and pursuant to USDC EDCA Local Rules 143 and 144 and  
FRCP 16(b), hereby stipulate and agree as follows:

1 Case No.:  
2:15-cv-01239-JAM-KJN

**WHEREAS**, on or about February 26, 2016, this Court, pursuant to Federal Rule of Civil Procedure ("FRCP") 16(b) and the FRCP 26(f) Case Management Report of the parties, issued a Scheduling Order setting the case for trial and establishing the initial trial date of April 17, 2017;

**WHEREAS**, due to the length of time elapsed between the actions allegedly giving rise to the complaint and the filing of the complaint, documentation is difficult to obtain;

**WHEREAS**, the person who allegedly committed the act named in the complaint is deceased, and evidence relating to his actions and state of mind will have to be gathered from third parties, likely requiring multiple depositions, including depositions of persons located outside of California and the United States;

**WHEREAS**, the parties are optimistic that the extensive time and expense that would be incurred preparing for, traveling to, and taking and defending depositions could be avoided if the matter is resolved prior to trial;

**WHEREAS**, the parties are actively in the process of discussing settlement outcomes without resorting to trial, but no resolution has yet been reached from their dialogue;

**WHEREAS**, the parties stipulate and agree that they are unable to concurrently exhaust settlement discussions and pursue costly and time-consuming discovery and depositions;

**WHEREAS**, the Scheduling Order includes a November 17, 2016 cutoff deadline for completion of fact discovery, a December 2, 2016 cutoff deadline for all discovery, and a December 7, 2016 cutoff deadline for expert depositions;

**WHEREAS**, the parties are loath to use further time and resources pursuing costly discovery and litigation while there is a very likely possibility of resolving the matter before trial;

**WHEREAS**, the parties have diligently attempted to adhere to the current pretrial deadlines, and are making this request to the Court for modification of the current Scheduling Order, because, without an extension, the parties will be forced to immediately commence depositions and expert report preparation;

**WHEREAS**, neither party will be prejudiced by a four month extension of the current trial date and related deadlines; and

**WHEREAS**, there have been no previous requests that the Court amend the Scheduling Order to extend any deadlines or to continue the trial date.

**NOW THEREFORE**, the parties, through their respective counsel, jointly propose and stipulate to the following:

The deadlines in the Scheduling Order previously set forth by the Court shall be revised as follows, or set on such other dates as the Court determines:

<u>Event</u>	<u>Current date</u>	<u>Proposed new date</u>
Fact Discovery cut-off	Nov. 17, 2016	Mar. 16, 2017
Discovery cut-off	Dec. 2, 2016	Mar. 31, 2017
Dispositive Motions cut-off	Jan. 10, 2017	May 2, 2017
Dispositive Motion Hearing	Feb. 7, 2017	June 6, 2017
Final Pre-Trial Conference	Mar. 17, 2017	July 14, 2017
Trial	Apr. 17, 2017	Aug. 14, 2017

It is further stipulated and agreed between the parties that

1 all other provisions of the Scheduling Order of February 26, 2016  
2 shall remain in effect. This stipulation may be signed in  
3 counterparts and any facsimile or electronic signature shall be  
4 valid as an original signature.

5 IT IS SO STIPULATED.

6  
7 Dated: October 21, 2016

8  
9 By: /s/ Mary Elizabeth Rinaldi  
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18 Attorney for Defendants  
19 ESTATE OF JOSEPH ARLEO,  
20 DECEASED, and  
21 ANTHONY PESOLA, ADMINISTRATOR  
22 OF THE ESTATE OF JOSEPH ARLEO

23 Dated October 21, 2016

24 By: /s/ Paul Butler (as  
25 authorized on 10/21/2016)  
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Attorney for Plaintiff  
UNITED STATES OF AMERICA

ORDER (AS AMENDED BY THE COURT)

FOR GOOD CAUSE SHOWN, and pursuant to the Stipulation of the parties, the deadlines in the Scheduling Order previously set forth by the Court are revised as follows:

<u>Event</u>	<u>Current date</u>	<u>Proposed new date</u>
Fact Discovery cut-off	Nov. 17, 2016	Mar. 16, 2017
Discovery cut-off	Dec. 2, 2016	Mar. 31, 2017
Dispositive Motions cut-off	Jan. 10, 2017	May 9, 2017
Dispositive Motion Hearing	Feb. 7, 2017	June 6, 2017
Final Pre-Trial Conference	Mar. 17, 2017	July 14, 2017 at 10:00 a.m.
Trial	Apr. 17, 2017	Aug. 21, 2017 at 9:00 a.m.

IT IS SO ORDERED

Dated: 10/24/2016

/s/ John A. Mendez  
The Hon. John A. Mendez  
United States District Court Judge  
Eastern District of California