

1 BROWN | POORE LLP
 Scott A. Brown (SBN 177099)
 2 David M. Poore (SBN 192541)
 1350 Treat Boulevard, Suite 420
 3 Walnut Creek, California 94597
 (925) 943-1166
 4 sbrown@bplegalgroup.com
 Attorneys for Plaintiff Tamara Evans

5 KATHLEEN A. KENEALY (SBN 212289)
 Acting Attorney General of California
 6 CHRISTINE MERSTEN (SBN 149752)
 Supervising Deputy Attorney General
 7 CONNIE A. BROUSSARD (SBN 228237)
 Deputy Attorney General
 8 600 West Broadway, Suite 1800
 9 San Diego, CA 92101
 (619) 738-9515
 10 Connie.Broussard@doj.ca.gov
 Attorneys for Defendants California
 11 Commission of Peace Officer Standards
 & Training, Edmund Pecinovsky, Anne Brewer

12
 13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 **TAMARA EVANS,**

18 Plaintiff,

19 v.

20 **CALIFORNIA COMMISSION ON PEACE
 OFFICERS STANDARDS AND
 21 TRAINING; EDMUND PECINOVSKY;
 22 ANNE BREWER and DOES 1-25,**

23 Defendants.
 24

2:15-CV-01951-MCE-DB

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY DATES**

25
 26
 27
 28

1 Pursuant to Local Rules 143 and 144, Plaintiff Tamara Evans and Defendants California
2 Commission on Peace Officers Standards and Training, Anne Brewer, and Edmund Pecinovsky
3 hereby stipulate to extend the discovery cutoff dates.

4 There exists good cause to extend the discovery deadlines and modify the pre-trial order
5 in accordance with FRCP 16. All parties agree that the current discovery schedule does not
6 provide sufficient time. The parties agree to a 60 day extension of currently scheduled deadlines
7 as set forth below. No trial date has been assigned in this case which has been reassigned twice.
8 The parties believe that each will benefit from the extension and there will be no undue prejudice.

9 Although this case was originally filed on June 4, 2014, there was a dormant period where
10 Plaintiff substituted counsel. A First Amended Complaint was filed on August 10, 2015.

11 Written discovery has been propounded. Several long standing disputes exist regarding
12 (a) the lack of labelling of documents produced by Defendants; (b) the production of various
13 documents; and (c) production of the contents from Plaintiff's laptop used during her
14 employment.

15 The parties have commenced the depositions of Plaintiff Tamara Evans and Defendant
16 Edmund Pecinovsky and are close to completing them. The Parties are meeting and conferring
17 regarding whether certain documents have been produced that Mr. Pecinovsky identified during
18 his deposition in Phoenix, Arizona. The Parties have met and conferred regarding the production
19 of the following witnesses identified in Defendants' Initial Disclosures: Anne Brewer, Darla
20 Engler, Stephanie Scofield, Teresa Keller, Robert Stresak, Richard Reed, Alan Deal, Donna
21 Wooten, and Frank Decker.

22 Plaintiff's counsel has back to back trials set in February 2017 in the Northern District:
23 (a) *Hauschild v. City of Richmond, et. al.* USDC Case no. 3:15-CV-01556 (WHA); and *Flaviano*
24 *v. Department of State Hospitals*, USDC Case no. C14-05671 (WHA). The *Hauschild* trial
25 commences on February 21, followed by *Flaviano* on February 27. Both trials are before the
26 Honorable William H. Alsup and will likely proceed.

1 The Parties agree that under the current discovery deadlines, it will be extremely difficult
2 and burdensome on counsel and witnesses to complete necessary discovery. One previous
3 request to continue discovery deadlines has been made.

4 WHEREAS the Court previously set February 17, 2017 as the deadline for fact discovery;

5 WHEREAS the Court previously set April 19, 2017 as the deadline for expert discovery.

6 The parties do therefore Stipulate and agree as follows:

- 7 1. To extend Fact discovery cutoff until April 18;
- 8 2. To extend Designation of Experts deadline until June 19;
- 9 3. That a Status and Setting Conference be set for a date convenient to the Court
10 to address the remaining case calendar, including assignment of trial.

11
12
13 Dated: January 9, 2017

BROWN POORE LLP

14
15 */s/ Scott A. Brown*

16 _____
17 SCOTT A. BROWN
18 *Attorneys for Plaintiff Tamara Evans*

19 Dated: January 9, 2017

California Deputy Attorney General

20
21 */s/ Connie A. Broussard*

22 _____
23 CONNIE A. BROUSSARD
24 *Attorneys for Defendants*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby attest that concurrence in the filing of the document has been obtained by all of the signatories.

Dated: January 9, 2017

BROWN POORE LLP

/s/ Scott A. Brown

SCOTT A. BROWN
Attorneys for Plaintiff Tamara Evans

ORDER

IT IS SO ORDERED.

Dated: January 11, 2017



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE