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 7 **IN THE UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**
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10 DANIEL E. GONZALEZ,
 11 Plaintiff,
 12 vs.
 13 UNITED STATES OF AMERICA et al.,
 14 Defendants.

No. 2:15-cv-1997-MCE-DB-PS
 STIPULATION AND PROPOSED ORDER

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 16 Pursuant to Local Rule 143, Plaintiff and the United States stipulate, and propose, that the Court
 17 extend the pretrial schedule by approximately 90 days, as further set forth below. Plaintiff, who is
 18 proceeding pro se, has had numerous medical and other issues that have made it difficult to conduct
 19 discovery and prepare expert reports, the time for which has now past. In addition, the parties have had
 20 technical difficulties in exchanging and accessing one another's electronic documents, which has
 21 compounded the problems. Despite these problems, Plaintiff has diligently attempted to resolve them
 22 and to resolve the matter, but the parties have been unable to do so. For example, Plaintiff scheduled an
 23 in-person meeting with opposing counsel, and secured agreement to the concept of an extension before
 24 Plaintiff's deadline ran, and Plaintiff filed a request with the Court for an extension on the day his expert
 25 disclosures were due. The parties have worked out an agreed-schedule, which is set forth below.

26 Failure to grant this extension may well be fatal to Plaintiff's case, which would be inequitable
 27 considering his diligence and pro se status, and the fact that the problems described above were beyond
 28 the control of either party. Thus, there appears good cause for an order extending all pretrial dates by

1 approximately three months, to avoid a draconian result that is independent of any fault and independent
 2 of the merits. In addition, the parties propose moving the pretrial conference and the trial date
 3 approximately four months to permit more time for the Court to review and decide any dispositive
 4 motion, and to account for the 2018 holidays implicated by the stipulation and proposed order.

5 Plaintiff proposed this stipulation during a December 15, 2017, in-person meet and confer and
 6 the United States agreed. However, the stipulation is submitted at this time due to illness and the
 7 intervening, year-end holidays which made scheduling difficult.

8 Therefore, the parties stipulate and propose that the pretrial schedule, adopting by this Court in
 9 June 2017 (Dkt. No. 37) an October 2017 (Dkt. No. 43), be continued as follows:

Event	Current Date	Proposed Date
Plaintiff's Expert Disclosure	December 22, 2017	March 22, 2018
Defendant's Expert Disclosure	January 19, 2018	May 3, 2018
Rebuttal Expert Disclosures	February 2, 2018.	May 17, 2018
Discovery Completed	March 2, 2018	June 14, 2018
Law and Motion (except to compel discovery)	April 20, 2018	August 3, 2018
Plaintiff's Pretrial Conference Statement, Trial Brief, and Motions in Limine¹	May 31, 2018	September 13, 2018
United States' Pretrial Conference Statement, Trial Brief, and Motions in Limine	May 31, 2018	September 20, 2018
Oppositions to Motions in Limine	June 14, 2018	October 4, 2018
Replies Regarding Motions in Limine	June 21, 2018	October 11, 2018
Final Pretrial Conference	June 28, 2018	October 18, 2018; 2:00 p.m.
Trial (5 days)	August 13, 2018	December 3, 2018; 9:00 a.m.

1 The original order contemplates a joint pretrial conference statement. Given the nature of this medical malpractice case and the fact that Plaintiff is proceeding pro se, however, it appears separate statements will be more efficient for the Court and the parties.

1 Pursuant to 28 U.S.C. § 2402, “any action against the United States . . . shall be tried by the court
2 without a jury.”

3 The above-stipulated schedule was carefully worked through in light of Plaintiff’s condition and
4 the United States’ counsel’s 2018 trial schedule. Should the Court be inclined to alter the dates in the
5 above-proposed schedule, the parties request that the Court convene a status conference or otherwise
6 permit the parties an opportunity to communicate their limitations to the Court.

7 Respectfully Submitted

8 Dated: January 19, 2018

McGREGOR W. SCOTT
United States Attorney

9 /s/ Gregory T. Broderick
10 GREGORY T. BRODERICK

11 /s/ Daniel Gonzalez (authorized 01/19/2018)
12 DANIEL GONZALEZ
13 Plaintiff in Pro Per

14 **ORDER**

15 In accordance with the foregoing stipulation, and good cause appearing, the dates set forth in the
16 Court’s previous Status Pretrial Scheduling Order (Dkt. No. 37) and Supplemental Pretrial Scheduling
17 Order (Dkt. No. 43) are amended such that the following schedule shall apply:

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Event	Proposed Date
Plaintiff’s Expert Disclosure	March 22, 2018
Defendant’s Expert Disclosure	May 3, 2018
Rebuttal Expert Disclosures	May 17, 2018
Discovery Completed	June 14, 2018
Law and Motion (except to compel discovery)	August 3, 2018

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1 The June 28, 2018 Final Pretrial Conference and August 13, 2018 Bench Trial are vacated. The
2 parties are ordered to file a Joint Notice of Trial Readiness not later than thirty (30) days after receiving
3 this Court's ruling on the last filed dispositive motion. The parties are to set forth in their Notice of Trial
4 Readiness, the appropriateness of special procedures, whether this case is related to any other case(s) on
5 file in the Eastern District of California, the prospect for settlement, their estimated trial length, any
6 request for a jury, and their availability for trial. After review of the parties' Joint Notice of Trial
7 Readiness, the Court will issue an order that sets forth new dates for a final pretrial conference and trial.

8 All other provisions in the Status Pretrial Scheduling Order (Dkt. No. 37) and Supplemental
9 Pretrial Scheduling Order (Dkt. No. 43) shall remain in effect.

10 IT IS SO ORDERED.

11 Dated: January 29, 2018

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13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
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