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Attorneys for Defendants
 CITY OF MANTECA, ARMANDO GARCIA, IAN
 OSBORN, PAUL CARMONA and CHRIS S. MRAZ

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO COURTHOUSE

JOANNE BLIGHT,

Plaintiff,

v.

CITY OF MANTECA, a Municipal
 Corporation, Manteca Police Department
 Detectives ARMANDO GARCIA,
 Individually, RANCH JOHNSON,
 Individually, KIRK DOTY, Individually,
 MIKE KEENER, Individually, IAN
 OSBORN, Individually, and ARMEN
 AVAKIAN, Individually, Manteca Police
 Department Sergeants PAUL CARMONA
 and CHRIS S. MRAZ, in their Individual
 and Supervisory capacities, and DOES 1
 THROUGH 60, Jointly and Severally,

Defendants.

Case No.: 2:15-cv-02513-WBS-AC

**STIPULATION RE: DISCOVERY AND
 SUMMARY JUDGMENT DEADLINES;
 [PROPOSED] ORDER**

**TO THE CLERK OF THE COURT, ALL PARTIES, AND THEIR ATTORNEYS
 OF RECORD:**

Plaintiff JOANNE BLIGHT (“Plaintiff”) and Defendants CITY OF MANTECA,
 ARMANDO GARCIA, IAN OSBORN, CHRIS MRAZ, and PAUL CARMONA (“Defendants”)
 hereby respectfully request continuation of the discovery and summary judgment deadlines in this
 Case. All other deadlines would remain the same.

1 The fact discovery deadline has been extended three times before (Dkt. Nos. 35, 55, and
2 59). The summary judgment deadline has been extended once (Dkt. No. 59). The current
3 discovery date is June 6, 2017, and the current dispositive motion filing deadline is June 20, 2017.

4 Good cause exists for this stipulation. On May 23, 2017, Judge Shubb issued the final
5 ruling stating that the deposition of the confidential informant (“CI”) would proceed. In
6 preparation for that eventuality, the parties had previously met-and-conferred and agreed to June
7 2 as a deposition date (before the June 6 discovery cutoff). Over the course of May 23 and 24,
8 Defendants spoke to the CI and formed the belief the CI would not appear at the deposition absent
9 a privacy screen.¹ On May 24, Defendants filed an ex-parte application for an order shortening
10 time for a protective order seeking such a screen. Alternatively, they requested continuance of
11 certain deadlines to allow the motion to be filed and heard on regular time.

12 From Plaintiff’s perspective, Plaintiff has no other choice but to seek an extension of the
13 discovery cutoff in order to be able to conduct the CI deposition that Plaintiff has already secured
14 the right to conduct, in accordance with the Order issued by Judge Claire (Dkt. 55), which was
15 affirmed by Judge Shubb, on May 23, 2017 (Dkt. 77). At present, there is neither a deposition of
16 the CI on calendar, nor have Defendants produced to Plaintiff the CI’s information so that
17 Plaintiff can subpoena the CI (despite Defendants’ representation that they are unable to produce
18 the CI voluntarily without the addition of conditions and restrictions not contained in this Court’s
19 Order (Dkt. 55)); in view of the uncertain circumstances and pending motion for a protective
20 order, Plaintiff seeks an Order extending the cutoff date in a fashion that recognizes the present
21 circumstances that are out of Plaintiff’s control, which will secure and preserve her right to
22 conduct the CI deposition. Accordingly, Plaintiff requests that the cutoff date be extended to June
23 23, 2017, but that that deadline act not as a final deadline, but as a deadline by which to file a
24 further Notice of Motion and Motion to Compel, should that become necessary.

25 Since Defendants filed their ex-parte application, the parties have met-and-conferred. In
26 light of Defendants’ pending motion, the uncertainty of when the CI deposition will take place,

27 _____
28 ¹ The parties respectfully disagree on this point.

1 the possibility of litigating a motion to compel the Orders (Dkts. 55 and 77) brought by Plaintiff
2 (see Dkt. 81 - Notice of Motion and Motion to Compel), and the possibility of motions to compel
3 the CI's attendance, it appears there simply is insufficient time for these events to resolve and for
4 a deposition of the CI to occur before the current June 6 discovery cutoff.

5 The parties have met-and-conferred in good faith and essentially seek to fashion a remedy
6 to the dilemma outlined above that will preserve the status quo as far as scheduling is concerned,
7 so that a deposition of the CI can occur before a deadline to conduct fact discovery expires, while
8 also preserving the status quo as far as the dispositive motion filing deadline is concerned.

9 Based on the foregoing circumstances, by and through their respective counsel of record,
10 the parties hereby stipulate and respectfully request that the Scheduling Order in this action be
11 amended, as follows:

12 1. That the current discovery cutoff of June 6, 2017 be extended until June 23, 2017.
13 This would act as the deadline to take the CI deposition, unless any of the following conditions
14 occurs: (a) the CI is not produced for a deposition for any reason by Defendants; (b) the CI fails
15 to appear after being properly served with a deposition subpoena by either party; (c) the
16 Defendants fail to provide to Plaintiff the CI's information, so that the Plaintiff can serve a
17 deposition subpoena on the CI; (d) despite having been provided with the CI's information in a
18 timely fashion and despite the exercise of due diligence to serve the CI, Plaintiff is unable to
19 subpoena the CI; or (e), if a further dispute between the parties regarding the CI deposition arises
20 that results in the deposition either not going forward or being stopped before its completion. If
21 any of the foregoing conditions, (a) – (e) occurs, June 23, 2017 would then instead act as the
22 deadline by which to file any Notice of Motion and Motion for Protective Order and/or Notice of
23 Motion and Motion to Compel regarding the CI deposition, but since a hearing on any such
24 Notice(s) would not occur until after June 23, 2017 on normal time, the filing of a Notice of
25 Motion and Motion for Protective Order and/or Notice of Motion and Motion to Compel would
26 act to “stop the clock” on the discovery cutoff for the CI deposition and the deadline to file
27 dispositive motions, thereby tolling the discovery cutoff **solely concerning the deposition of the**
28

1 CI (and related motions) and the deadline to file dispositive motions until such time as would be
2 prescribed in a final ruling regarding any such Motion for Protective Order and/or Motion to
3 Compel, which would need to include a reasonable period of time following such a ruling in
4 which to conduct the CI deposition and file dispositive motions. This extension is for the sole
5 purpose of completing the deposition of the confidential informant and related motions;; all other
6 discovery shall remain closed.

7 2. That the dispositive motion filing deadline be continued from June 20, 2017 to
8 June 30, 2017;

9 3. The parties' ability to agree upon and reach this stipulation was made contingent
10 upon both the discovery and summary judgment deadlines being extended as specified. If only
11 one is extended and not the other, the parties withdraw this stipulation.

12 If this stipulation is not granted for any reason, including the fact that it is contingent upon
13 the extension of both deadlines, Plaintiff respectfully must reserve her right to file an ex-parte
14 application for relief from the June 6, 2017 deadline, requesting an extension of the fact discovery
15 deadline only. Defendants have expressed they would oppose such an ex-parte because
16 Defendants seek extension of both discovery and dispositive motion deadlines. Before filing such
17 an ex-parte application, the parties sought to file this stipulation first, in the interest of
18 cooperation and judicial economy.

19 Respectfully submitted,

20 Dated: May 31, 2017

LAW OFFICE OF SANJAY S. SCHMIDT

21
22 By: /s/ Sanjay S. Schmidt
23 SANJAY S. SCHMIDT
24 Attorneys for Plaintiff
25 JOANNE BLIGHT
26
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28


1 Dated: May 31, 2017

2 ALLEN, GLAESSNER,
3 HAZELWOOD & WERTH, LLP

4 By: /s/ Kevin P. Allen
5 DALE L. ALLEN, JR.
6 KEVIN P. ALLEN
7 Attorneys for Defendants
8 CITY OF MANTECA, ARMANDO
9 GARCIA, IAN OSBORN, PAUL CARMONA
10 and CHRIS S. MRAZ

11 **PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.**

12 DATED: June 1, 2017

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE