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8
9 **UNITED STATES DISTRICT COURT**

10 **EASTERN DISTRICT OF CALIFORNIA**

11 GUILLERMO BONILLA-CHIRINOS,) Case No.: 2:15-cv-02564-WBS-EFB

12 SANDRA HERNANDEZ, INDIVIDUALLY)

13 AND AS GUARDIANS AD LITEM OF J B,)

14 A MINOR)

15 Plaintiffs,)

**STIPULATION AND [PROPOSED]
ORDER MODIFYING THE PRETRIAL
SCHEDULING ORDER**

16 vs.)

17 CITY OF WEST SACRAMENTO,)

18 KENNETH FELLOWS (BADGE #151) AND)

19 DOES 1 THROUGH 99,)

20 Defendants.)

21 COMES NOW THE PARTIES by and through their respective counsel and subject to the
22 approval of this Court, hereby stipulate and respectfully request the following modifications to
23 this Court's Pretrial Scheduling Order of April 12, 2016 (Court's Docket No. 11), regarding the
24 scheduling of this case:

- 25 • That the expert witness disclosure cut-off date currently set for November 23, 2016 be
- 26 moved to February 23, 2017;
- 27 • That the rebuttal expert witness disclosure currently set for December 23, 2016 be moved
- 28 to March 23, 2017;

- 1 • That the discovery deadline currently set for January 23, 2017 be moved to April 21,
- 2 2017;
- 3 • That the deadline to file Motions currently set for March 13, 2017 be moved to June 13,
- 4 2017;
- 5 • The trial currently set for July 25, 2017 be moved to a date convenient for the Court in or
- 6 after October 25, 2017;
- 7 • That the Final Pretrial Conference currently set for May 22, 2017 be moved to a date
- 8 convenient for the Court in accordance with the new trial date, preferably after September
- 9 15, 2017.

10 The parties stipulate to and request this modification of the pretrial order as to the expert
11 witness disclosures, the discovery cutoff, and the motion deadline because there has been a three-
12 month delay from the time Plaintiffs terminated prior counsel and the time new counsel filed his
13 substitution. There is good cause for this modification because the parties did not anticipate that
14 Plaintiffs would change counsel, and because neither party could conduct discovery during the
15 three month period while Plaintiffs were effectively unrepresented. The parties are confident
16 that the new dates for expert witness disclosures, discovery cutoff, and motion deadline will
17 provide all parties with adequate time to complete discovery and dispositive motions.

18 The parties also stipulate to and request this modification of the pretrial order as to the
19 dates for the final pretrial conference and trial because defense counsel, Sean O’Dowd, cannot
20 attend the pretrial conference and trial as currently scheduled, as he will be on military leave
21 starting in May 2015. The parties submitted their availability for trial to this Court on March 28,
22 2016. Court’s Docket No. 8, p. 6. At that time, defense counsel was unaware of the dates that he
23 would be on military leave. His inability to attend the pretrial conference and trial was not
24 caused by a lack of diligence in complying with the Court’s Scheduling Order. Mr. O’Dowd
25 expects to return to work in mid-September 2017.

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Defense counsel also wishes to notify the Court that it currently has trials scheduled to begin on December 4, 2017 (*Smith v. Lodi, et al*, Eastern District Case 2:14-cv-01318-TLN-AC) and on January 22, 2018 (*Coryell v. Oroville, et al*, Eastern District Case No. 2:15-cv-00476-TLN-AC).

Dated: November 16, 2016

ANGELO, KILDAY & KILDUFF, LLP

/s/ Sean D. O'Dowd

By: _____

AMIE McTAVISH
SEAN D. O'DOWD
Attorneys for Defendants

Dated: November 10, 2016

CYRUS ZAL, A PROFESSIONAL CORPORATION

/s/ Cyrus Zal (as authorized on 11/14/16)

By: _____

CYRUS ZAL
Attorney for Plaintiffs

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ORDER

THEREFORE it is so ordered that:

1. The expert witness disclosure cut-off date currently set for November 23, 2016 is continued to February 23, 2017;
2. The rebuttal expert witness disclosure currently set for December 23, 2016 is continued to March 23, 2017;
3. The the discovery deadline currently set for January 23, 2017 is continued to April 21, 2017;
4. The deadline to file Motions currently set for March 13, 2017 is continued to June 13, 2017;
5. The Final Pretrial Conference currently set for May 22, 2017 is continued to **September 25, 2017 at 1:30 p.m.** Joint Pretrial Statements shall be filed by September 18, 2017.
6. The trial currently set for July 25, 2017 is continued to **November 14, 2017 at 9:00 a.m.**

IT IS SO ORDERED.

Dated: November 16, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE