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7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**
 9

10 ROGER MCCULLAR,
 11 Plaintiff,
 12 v.
 13 UNITED STATES OF AMERICA,
 14 Defendant.

CASE NO.: 2:16-CV-01174-TLN-CKD

**STIPULATION AND ORDER
 MODIFYING SCHEDULING ORDER TO
 EXTEND TIME FOR EXPERT
 DISCOVERY**

JUDGE: Hon. Troy L. Nunley

15
 16 Plaintiff Roger McCullar and the Defendant the United States respectfully submit this stipulation
 17 and proposed order jointly asking the Court to modify the scheduling order to allow the parties
 18 additional time for expert discovery, setting an expert discovery cut-off of **December 22, 2017**, and a
 19 deadline for filing dispositive motions of **January 11, 2018**. The scheduling order currently instructs
 20 the parties to complete expert discovery in time to comply with the dispositive motion deadline, which
 21 requires that dispositive motions to be heard no later than December 14, 2017 (thus requiring the parties
 22 to file such motions by November 16, 2017). *See* Dkt. 7 at 4. The requested modifications would not
 23 affect the scheduling order’s dates for the pretrial conference (March 8, 2018, at 2:00 p.m.) and trial
 24 (May 7, 2018, at 9:00 a.m.). *See* Dkt. 7 at 6, 10. Good cause exists for the requested modifications
 25 because the parties have been diligently engaging in discovery and Plaintiff counsel’s trial schedule
 26 prevented expert deposition scheduling in September and October. That conflict, combined with expert
 27 witness conflicts, made scheduling expert depositions very difficult. The parties have met and
 28

1 conferred, working together to schedule all the expert depositions as follows:

2	Plaintiff's Expert – Edward Eyster, M.D.	November 3, 2017
3	Plaintiff's Expert – Maria Brady, M.S.	November 14, 2017
4	Plaintiff's Expert – Christopher Stephenson, M.D.	November 14, 2017
5	Plaintiff's Expert – Donna Post, R.N.	November 17, 2017
6	Plaintiff's Expert – Craig Enos, CPA	November 21, 2017
7	Defendant's Expert – Dr. D. Michael Hembd, M.D.	December 1, 2017
8	Defendant's Expert – Dr. Eugene Carragee, M.D.	December 7, 2017
9	Defendant's Expert – Dr. Gerald Rodts, Jr., M.D.	December 15, 2017

10 Accordingly, the parties stipulate to and respectfully request that the Court modify the
11 scheduling order to set an expert discovery cut-off of **December 22, 2017**, and a deadline for filing
12 dispositive motions of **January 11, 2018**.

13 Respectfully Submitted,

14 DATED: October 25, 2017

PHILLIP A. TALBERT
United States Attorney

15 By: /s/ Victoria L. Boesch
16 VICTORIA L. BOESCH
17 Assistant United States Attorney
18 Attorneys for Defendant,
United States of America

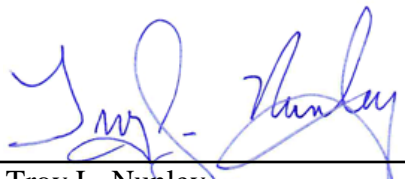
19 DATED: October 25, 2017

By: /s/ David E. Smith (authorized 10/25/17)
20 DAVID E. SMITH
21 Smith Zitano Law Firm
22 Attorneys for Plaintiff

23 **ORDER**

24 **IT IS SO ORDERED.**

25 DATED: October 25, 2017

26 
27 _____
Troy L. Nunley
United States District Judge