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22 IN THE UNITED STATES DISTRICT COURT
23 EASTERN DISTRICT OF CALIFORNIA

24 RICHARD MACCRACKEN, et al., on behalf) Case No. 2:16-CV-01680-WHO
25 of himself and all similarly situated individuals,)
26) **STIPULATION TO MODIFY**
27 Plaintiffs,) **PRETRIAL DATES; ORDER THEREON**
28 v.)
29)
30 CITY OF LINCOLN)
31)
32 Defendant.)

33 COMES NOW, Plaintiffs, RICHARD MACCRACKEN, et al., on behalf of himself and
34 all similarly situated individuals, and Defendant CITY OF LINCOLN (collectively "parties"),
35 and stipulate as follows:

36 WHEREAS, the parties have agreed to submit this case to private mediation and have
37 selected a third party neutral. The parties are in the process of scheduling a mediation date, and
38 expect to conduct mediation within 60 days.

39 WHEREAS, the parties have agreed to continue their informal exchange of information to

1 ensure a productive mediation session.

2 WHEREAS, the parties are presently ordered to appear for Further Telephonic Case
3 Management Conference on November 14, 2017 with a status report due November 7, 2017. (Dkt.
4 No. 18.)

5 WHEREAS, on December 7, 2016 this Court issued a Minute Order re Case Management
6 Conference that included a pretrial schedule. Among the dates set were an expert disclosure deadline
7 of October 1, 2017, and expert rebuttal deadline of November 1, 2017. (Dkt. No. 12.)

8 WHEREAS, on August 31, 2017, three additional Plaintiffs filed consents to join this action.
9 (Dkt. No. 19.)

10 WHEREAS, discovery is ongoing regarding the damage claims of the newly added Plaintiffs,
11 thereby inhibiting the ability of the parties' experts to complete their damage calculations.

12 WHEREAS, the parties are unable to exchange expert reports on October 1, 2017 that fully
13 address the scope of their expert testimony due to the ongoing discovery related to recently joined
14 Plaintiffs.

15 WHEREAS, the parties are in the process of exchanging informal settlement offers and
16 comprehensive damage calculations, and have tentatively agreed to third party mediation in mid-
17 November as a backstop in the event they cannot resolve the claims through informal offers. The
18 parties believe that their efforts are best focused on mediation.

19 WHEREAS, the parties believe they will soon reach settlement and wish to avoid incurring
20 costs associated with the premature disclosure of experts and reports that will likely require
21 supplementation, and will become unnecessary if settlement is reached.

22 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the parties, that:

- 23 1. Good causes exists to continue the October 1, 2017 expert disclosure date, and
24 November 1, 2017 expert rebuttal date, for 60 days to allow the parties to focus
25 their efforts on mediation.
- 26 2. Such a continuance will not impact the other dates set forth in the Court's pretrial
27 schedule, and will not materially delay the processing of this action.
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3. The parties respectfully request the Court continue the expert disclosure and expert rebuttal dates for 60 days.

Respectfully submitted,

Dated: September 29, 2017

MASTAGNI HOLSTEDT, APC

By: /s/ David E. Mastagni
DAVID E. MASTAGNI, ESQ.
ISAAC S. STEVENS, ESQ.
ACE T. TATE, ESQ.
Attorneys for Plaintiffs

Dated: September 29, 2017

**PALMER KAZANJIAN WOHL
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By: /s/ Larry M. Kazanjian
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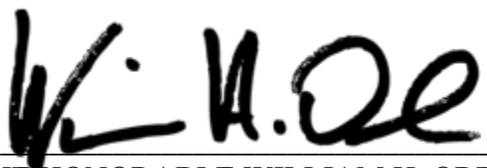
ORDER

Based on the above stipulation of the parties:

1. The October 1, 2017 expert disclosure date is continued to November 30, 2017; and
2. The November 1, 2017 expert rebuttal date is continued to January 2, 2018.

IT IS SO ORDERED.

DATED: October 2, 2017



THE HONORABLE WILLIAM H. ORRICK
United States District Judge