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1 **PORTER | SCOTT**
2 A PROFESSIONAL CORPORATION
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5 350 University Avenue, Suite 200
6 Sacramento, California 95825
7 TEL: 916.929.1481
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6 Attorneys for Defendant,
7 LAWRENCE BERGER

8 **UNITED STATES DISTRICT COURT**

9 **IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 BRANDY COLFESCU,
11
12 Plaintiff,

Case No.: 16-cv-02191-VC

13 v.

**STIPULATED REQUEST FOR ORDER
CHANGING DISCOVERY AND
MOTION DATES SET IN COURT’S
FEBRUARY 7, 2017, ORDER;
~~PROPOSED~~ ORDER AS MODIFIED**

14 LAWRENCE BERGER, Esq., FEDERAL
15 LAW ENFORCEMENT OFFICERS
16 ASSOCIATION, INC., a New York
17 Domestic Not-For-Profit Corporation a.k.a.
18 FLEOA,

Complaint Filed: September 14, 2016

18 Defendants.

19
20 Plaintiff, BRANDY COLFESCU, and Defendants, LAWRENCE BERGER and FEDERAL
21 LAW ENFORCEMENT OFFICERS ASSOCIATION, INC., (collectively the “Parties”), by and
22 through their attorneys of record, hereby stipulate as follows:

23 **RECITALS**

- 24 A. The Complaint in this action was filed in September 2016.
25 B. On or around February 2017, the Parties agreed to, and thereafter stipulated to,
26 participation in the Eastern District’s Voluntary Dispute Resolution Program (“VDRP”).
27 C. On May 18, 2017, this case was referred to VDRP pursuant to this Court’s order.
28 Bradley Benbrook was chosen by the Parties to act as the mediator for purposes of the VDRP.

1 D. Since that date, the Parties have been working to schedule a date for the VDRP
2 session to take place. The VDRP session has been scheduled for August 10, 2017.

3 E. Because the Parties have agreed to, and will be, participating in the VDRP, the Parties
4 have refrained from incurring unnecessary costs on expert witnesses, depositions, and other
5 discovery.

6 F. Fact discovery is currently set to be cut off on August 18, 2017. However, the Parties
7 wish to continue that date, along with all other discovery and motion dates in order to continue to
8 work towards settlement at the VDRP session without incurring unnecessary costs.

9 G. In order to comply with the current deadlines set by the Court, the Parties will
10 potentially be forced to needlessly incur costs in order to ensure that discovery is completed, when
11 settlement is possible in just a few weeks.

12 H. As a result of the above, the Parties have agreed to continue all discovery and motion
13 dates set in the Court's February 7, 2017, scheduling Order as set forth below.

14 **STIPULATION**

- 15 1. Fact discovery shall be completed by **October 20, 2017**.
16 2. The deadline for expert disclosure shall hereby be continued to **October 20, 2017**.
17 3. The deadline for expert rebuttal shall hereby be continued to **November 8, 2017**.
18 4. Expert discovery shall be completed by **November 29, 2017**.
19 5. Dispositive motions shall be filed by **December 5, 2017**. The Parties must contact
20 the Court to obtain a date for a hearing in Sacramento.

21 **IT IS SO STIPULATED.**

22
23 Dated: July 27, 2017

PORTER SCOTT
A PROFESSIONAL CORPORATION

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25
26 By: /s/ Katlyn L. Gregg

Carl J. Calnero
Katlyn L. Gregg
Attorneys for Defendant,
LAWRENCE BERGER

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Dated: July 27, 2017

JACOBSON LAW FIRM

By: /s/ Jeffrey H. Jacobson
Jeffrey H. Jacobson
Attorney for Defendant,
FEDERAL LAW ENFORCEMENT OFFICERS
ASSOCIATION, INC., a New York Domestic Not-For-
Profit Corporation a.k.a. FLEOA

Dated: July 27, 2017

LAW OFFICES OF GARY W. GORSKI

By: /s/ Gary W. Gorski
Gary W. Gorski
Attorney for Plaintiff

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~~PROPOSED~~ ORDER AS MODIFIED

1. Fact discovery shall be completed by ~~October 20~~⁶, 2017.
2. The deadline for expert disclosure shall hereby be continued to ~~October 20~~⁶, 2017.
October 20
3. The deadline for expert rebuttal shall hereby be continued to ~~November 8~~³, 2017.
4. Expert discovery shall be completed by ~~November 20~~³, 2017.
5. Dispositive motions shall be filed by ~~December 5~~³, 2017. The Parties must contact
November 10
the Court to obtain a date for a hearing in Sacramento.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 31, 2017 _____

