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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14 JUDY MUNSHOWER,

15 Plaintiff,

16 v.

17 UNITED STATES OF AMERICA,

18 Defendant.

Case No. 2:16-CV-02386-JAM-EFB

**STIPULATION AND ORDER TO MODIFY AND
EXTEND PRETRIAL SCHEDULE DEADLINES**

19 Plaintiff Judy Munshower and Defendant United States respectfully stipulate to and request
20 modification of the Court's scheduling orders. *See* 7/18/2017 Order Approving Stipulation [ECF No.
21 15]; 12/28/2017 Order Approving Stipulation [ECF No. 24].

22 There are three current lawsuits arising out of the same June 2013 incident at issue in this
23 underlying lawsuit: (1) a state court lawsuit (*Munshower v. City of Lodi*) filed in July 2014 that is now
24 scheduled for a June 25, 2018 jury trial; (2) this underlying federal lawsuit brought under the Federal
25 Tort Claims Act ("FTCA") that will be tried to this Court, *Munshower v. United States*, No. 2:16-cv-
26 2386 JAM-EFB (E.D. Cal.); and (3) a related federal lawsuit also brought under the FTCA that will be
27 tried to this Court, *City of Lodi v. United States*, No. 2:16-cv-2633 JAM-EFB (E.D. Cal.).

1 There is good cause to modify the pretrial schedule because the jury trial in the state court case
2 *Munshower v. City of Lodi* has been continued from March 5, 2018 to June 25, 2018 and because
3 additional discovery has occurred since the parties disclosed experts. Plaintiff Munshower and
4 Defendant United States have worked cooperatively in this action, and Defendant United States agrees
5 to Plaintiff Munshower's request to re-open the deadline for expert disclosures. Further, the resolution
6 of Plaintiff Munshower's state court case against the City of Lodi may affect whether one or both
7 federal cases proceed and extending the above dates will conserve the resources of the parties and the
8 Court. In addition, in early March 2018, Defendant United States attempted to coordinate scheduling
9 with all parties in this action and the related FTCA action, *City of Lodi v. United States*, No. 2:16-cv-
10 2633 JAM-EFB (E.D. Cal.). The parties were not able to reach an agreement regarding scheduling with
11 Plaintiff City of Lodi, which delayed the filing of this stipulation by approximately one month. As a
12 result, the parties in *Munshower v. United States* respectfully stipulate and request that the pretrial
13 deadlines be modified as outlined below.

14 IT IS HEREBY STIPULATED by and between the parties, through their respective undersigned
15 attorneys, and upon the Court's approval, that the dates set forth in the July 18, 2017 Order Approving
16 Stipulation and December 28, 2017 Order Approving Stipulation be extended as follows:

	<u>Proposed Date</u>	<u>Current Date</u>
17 Expert witness disclosures:	August 3, 2018	(from October 31, 2017)
18 Supp. expert witness disclosures:	August 17, 2018	(from November 30, 2017)
19 Discovery cutoff:	September 28, 2018	(from April 30, 2018)
20 Dispositive motion filing:	October 30, 2018	(from May 22, 2018)
21 Dispositive hearing:	November 27, 2018	(from June 19, 2018)
22 Joint pretrial statement due:	December 21, 2018	(from August 10, 2018)
23 Final pretrial conference:	January 4, 2019	(from August 17, 2018)
24 Trial:	February 18, 2019	(from September 24, 2018)

25 In all other respects, the December 14, 2016 Status (Pretrial Scheduling) Order shall remain in effect.
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2 DATED: April 12, 2018

Respectfully submitted,
McGREGOR W. SCOTT
United States Attorney

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4 /s/ Chi Soo Kim
CHI SOO KIM
Assistant United States Attorney
Attorneys for Defendant United States

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6 DATED: April 12, 2018

MASTRANGELO LAW OFFICES
/s/ Nicholas J. Mastrangelo (auth'd 4/12/18)

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9 NICHOLAS J. MASTRANGELO
Attorney for Plaintiff Judy Munshower

10 **ORDER (AS MODIFIED BY THE COURT)**

11 Finding good cause, the foregoing stipulation between the parties is hereby APPROVED. The
12 deadlines set forth in the July 18, 2017 Order Approving Stipulation [ECF No. 15] and the December
13 28, 2017 Stipulated Order [ECF No. 24] are modified as follows:

14 Expert witness disclosures: August 3, 2018
15 Supp. expert witness disclosures: August 17, 2018
16 Discovery cutoff: September 28, 2018
17 Dispositive motion filing: **November 6, 2018**
18 Dispositive hearing: **December 4, 2018** at 1:30 p.m.
19 Joint pretrial statement due: **January 4, 2019**
20 Final pretrial conference: **January 11, 2019 at 10:00 a.m.**
21 Court Trial: **February 25, 2019 at 9:00 a.m.**

22 In all other respects, the scheduling set forth in the December 14, 2016 Status (Pretrial Scheduling)
23 Order and its all of its other provisions shall remain in full force and effect.

24 IT IS SO ORDERED.

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26 DATED: 4/12/2018

/s/ John A. Mendez
JOHN A. MENDEZ
United States District Court Judge