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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 DONALD MANN,

14 Plaintiffs,

15 vs.

16 MUTUAL OF OMAHA;
17 and DOES 1 through 20, Inclusive,

18 Defendants.

No. 2:16-CV-02560-WBS-CMK

(Honorable William B. Shubb)

**PARTIES' AMENDED JOINT
STIPULATION TO CONTINUE CERTAIN
PRETRIAL AND TRIAL DATES; ORDER
THEREON**

Complaint Filed: September 2, 2016

19 Whereas Plaintiff Donald Mann (“Plaintiff”) and Defendant Mutual of Omaha Insurance
20 Company (“Mutual of Omaha”) agree that as set forth in the concurrently-filed declaration of
21 plaintiffs’ trial counsel, John Douglas Barr, Mr. Barr has an unforeseen medical issue precluding
22 the maintenance of the pre-trial and trial dates in this action, as currently set;

23 Whereas Plaintiff’s co-counsel, Cathleen Theresa Barr, has been practicing for less than
24 five years and has no experience preparing for and trying a complicated insurance bad faith
25 action alone, and therefore would need the assistance of a more senior trial attorney well versed
26 in insurance bad faith litigation both for pre-trial preparation and to act as primary trial counsel,
27 to ensure plaintiff is not prejudiced;

1 Whereas Plaintiff's cognitive condition is a central question in this action for long term
2 care benefits, and both parties' experts' opinions would be most helpful if such experts could
3 observe Plaintiff and make judgments as to his condition closer to trial than is contemplated by
4 the current pretrial order should the trial date move;

5 Whereas neither party will experience any prejudice as a result of the proposed
6 adjustment of pretrial dates; and
7

8 Therefore, pursuant to Fed. R. Civ. Proc. 16(b)(4), good cause being shown, the parties,
9 by and through their respective counsel, hereby stipulate to move the trial to a time convenient to
10 the Court in the beginning of 2019, and adjust the pretrial dates accordingly. (The parties have
11 set forth specific proposed dates in the proposed order they are lodging concurrently.)

12 **IT IS SO STIPULATED.**

13 DATED: February 12, 2018

BARR & MUDFORD

14
15 /s/ Cathleen Theresa Barr

16 JOHN DOUGLAS BARR
17 CATHLEEN THERESA BARR
18 Attorney for Plaintiff,
19 DONALD MANN

20 DATED: February 12, 2018

HINSHAW & CULBERTSON, LLP


21
22 /s/ Martin E. Rosen

23 MARTIN E. ROSEN
24 MICHAEL A.S. NEWMAN
25 Attorney for Defendant,
26 MUTUAL OF OMAHA INSURANCE
27 COMPANY, erroneously sued as
28 "MUTUAL OF OMAHA"

1 **IT IS HEREBY ORDERED** that Pretrial Scheduling Order of this court should be, and
2 is hereby, modified as follows:

DEADLINE	CURRENT SCHEDULING ORDER	PROPOSED SCHEDULING ORDER
Expert Disclosure	February 23, 2018	August 27, 2018
Rebuttal Expert Disclosure	March 26, 2018	October 1, 2018
Discovery Cutoff	April 20, 2018	November 2, 2018
Last day to file Motions	May 1, 2018	November 19, 2018
Pretrial Conference	June 18, 2018 at 1:30 p.m.	February 11, 2019 at 1:30 p.m.
Trial	August 14, 2018 at 9:00 a.m.	April 9, 2019 at 9:00 a.m.

20
21 Dated: February 13, 2018


22 **WILLIAM B. SHUBB**
23 **UNITED STATES DISTRICT JUDGE**