

1 PHILLIP A. TALBERT
 United States Attorney
 2 LYNN TRINKA ERNCE
 Assistant United States Attorney
 3 501 I Street Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2720
 Facsimile: (916) 554-2900
 5

6 Attorneys for United States of America

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 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
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11 ESTHER SUZANNE McKA and
 JAMES MICHAEL McKA,

12 Plaintiffs,

13 v.

14 UNITED STATES OF AMERICA,

15 Defendant.
 16

CASE NO. 2:16-CV-03005 MCE EFB

**STIPULATION REQUESTING
 MODIFICATION OF SCHEDULING
 ORDER; ORDER**

17 The parties respectfully request that the Court modify the scheduling order (ECF 3) to extend the
 18 discovery cutoff and all subsequent deadlines in this case by one hundred and twenty days. In support of
 19 their request, and to show good cause to modify the scheduling order, the parties state the following:

- 20 1. Plaintiffs filed their original complaint on December 23, 2016. ECF 1.
- 21 2. Plaintiffs filed an amended complaint on May 2, 2017. ECF 6.
- 22 3. After being served with the amended complaint in July 2017, the United States timely
 23 filed its answer to the amended complaint on September 18, 2017. ECF 9.
- 24 4. The Court’s scheduling order provides that all discovery, with the exception of expert
 25 discovery, shall be completed no later than 365 days from the date the federal case was opened, which is
 26 December 26, 2017.

1 5. The parties have been engaged in discussions in an attempt to determine whether they
2 can reach an early resolution of this case, and those attempts are ongoing. As a result, the parties have
3 not engaged in any formal discovery to date.

4 6. Under the circumstances, with the amended complaint was filed in May 2017, and
5 answered in September 2017, and to allow the parties time to continue to attempt early resolution of this
6 case, the parties believe that good cause exists to modify the scheduling order to extend the discovery
7 cutoff and subsequent dates by 120 days.

8 7. The parties request that the Court modify the scheduling order as follows:

	<u>Original Date</u>	<u>Amended Date</u>
Discovery Cutoff	December 26, 2017	April 27, 2018
Expert Reports Due	February 21, 2018	August 27, 2018
Supplemental Expert Reports	March 23, 2018	September 27, 2018
Dispositive Motion Deadline	June 25, 2018	October 24, 2018

13 As required by the scheduling order, the parties will file a Joint Notice of Trial Readiness not
14 later than thirty days after the Court's rulings on the last filed dispositive motion or, if the parties do not
15 intend to file dispositive motions, not later than thirty days after the designation of supplemental experts.

16 DATED: December 19, 2017

PHILLIP A. TALBERT
United States Attorney

/s/ Lynn Trinka Ernce
LYNN TRINKA ERNCE
Assistant United States Attorney

20 DATED: December 20, 2017

LAW OFFICES OF JOSEPH A. WELCH

/s/ Joseph A. Welch
JOSEPH A. WELCH
Attorney for Plaintiffs

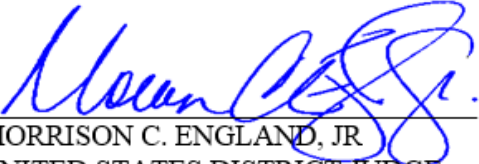
ORDER

Pursuant to the stipulation of the parties and good cause appearing, the Scheduling Order (ECF No. 3) shall be modified as follows:

	<u>Original Date</u>	<u>Amended Date</u>
Discovery Cutoff	December 26, 2017	April 27, 2018
Expert Reports Due	February 21, 2018	August 27, 2018
Supplemental Expert Reports	March 23, 2018	September 27, 2018
Dispositive Motion Deadline	June 25, 2018	October 24, 2018

IT IS SO ORDERED.

Dated: January 3, 2018



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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