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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION

12 **WILLIAM BARKER,**

13 Plaintiff,

14 v.

16 **OSEMWINGIE, et al.,**

17 Defendants.

No. 2:16-cv-03008-JAM-CKD (PC)

**STIPULATION AND PROPOSED
ORDER TO MODIFY SCHEDULING
ORDER TO EXTEND EXPERT-
RELATED DEADLINES BY FORTY-
FIVE DAYS**

Trial Date: None
Action Filed: April 12, 2017

19 Under Federal Rules of Civil Procedure 16(b)(4) and Local Rule 143, the parties, through
20 their counsel of record, agree to and request a modification of the March 26, 2018 Scheduling
21 Order (ECF No. 53) to extend the expert-related deadlines by forty-five days. Good cause exists
22 to grant this stipulated request because the parties require more time to disclose expert witnesses.

23 A scheduling order may be modified only upon a showing of good cause and by leave of
24 Court. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975
25 F.2d 604, 609 (describing the factors a court should consider in ruling on such a motion). In
26 considering whether a party moving for a schedule modification has good cause, the Court
27 primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at
28 609 (citing Fed. R. Civ. P. 16 advisory committee's notes of 1983 amendment). "The district

1 court may modify the pretrial schedule ‘if it cannot reasonably be met despite the diligence of the
2 party seeking the amendment.’” *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983
3 amendment).

4 On March 26, 2018, the Court issued a Scheduling Order requiring, as relevant here, the
5 parties to exchange expert disclosures by November 19, 2018, and supplemental/rebuttal reports
6 by December 17, 2018. (ECF No. 53.) The Court further required that expert discovery be
7 completed by no later than January 16, 2019. (*Id.*) The parties request an extension of the expert-
8 discovery deadlines because they require additional time to make expert disclosures and explore
9 the possibility of early settlement which may obviate the need for such disclosures and further
10 litigation costs. Fact discovery is complete. And the parties’ proposed modification and request
11 will not affect any other scheduling deadlines, including the dispositive-motion dates.

12 IT IS SO STIPULATED.

13
14 Dated: November 14, 2018

Respectfully submitted,

15 XAVIER BECERRA
16 Attorney General of California
17 PETER A. MESHOT
Supervising Deputy Attorney General

18 */s/ Diana Esquivel*

19 DIANA ESQUIVEL
20 Deputy Attorney General
21 *Attorneys for Defendants Osemwingie and Ramiscal*

22 Dated: November 14, 2018

Disabled Advocacy Group, APLC

23
24 */s/ Scottlynn J. Hubbard* (as authorized
11/14/18)

25 SCOTTLYNN J. HUBBARD
26 *Attorney for Plaintiff William Barker*

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~~Proposed~~ ORDER

Good cause appearing, the parties' stipulated request to modify the expert-related deadlines is GRANTED. The March 26, 2018 Scheduling Order (ECF No. 53) is modified as follows:

The deadline for disclosing experts is January 3, 2019, with any rebuttal experts witness disclosures due by January 31, 2019.

Expert discovery shall close on March 1, 2019. Any discovery motions related to expert discovery must be noticed for the hearing to take place by this date and shall be brought in the same manner as motions related to non-expert discovery.

In all other respects, the March 26, 2018 Scheduling Order remains in full force and effect.

IT IS SO ORDERED.

Dated: November 16, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE