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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**

Trial Date: None
Action Filed: April 12, 2017

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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 November 19, 2018 Order
21 (ECF No. 56) to further extend the expert-related deadlines by twenty-eight days or less. Good
22 cause exists to grant this stipulated request because the parties require more time to disclose
23 expert witnesses.

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

1 609 (citing Fed. R. Civ. P. 16 advisory committee’s notes of 1983 amendment). “The district
2 court may modify the pretrial schedule ‘if it cannot reasonably be met despite the diligence of the
3 party seeking the amendment.’” *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983
4 amendment).

5 On November 19, 2018, the Court granted the parties’ stipulated request for an extension of
6 the expert-related deadlines set out in the initial Scheduling Order, issued on March 26, 2018.
7 (*See* ECF Nos. 53, 56.) The first request for extension was made on the ground that the parties
8 required more time to conduct expert discovery while they engaged in informal settlement
9 discussions. Since that time, the parties had settlement negotiations but were unable to reach an
10 agreement. Due to the holidays and the unavailability of witnesses, the parties require additional
11 time to disclose expert witnesses and complete expert discovery. Fact discovery is complete.
12 And the parties’ proposed additional extension of the expert-related deadlines will not affect any
13 other scheduling deadline, including the dispositive-motion date set out in the initial March 26,
14 2018 Scheduling Order. For these reasons, the parties agree and request that the initial disclosure
15 of expert witnesses be January 25, 2019; supplement/rebuttal reports be due on February 22,
16 2019; and expert discovery be completed by March 22, 2019.

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IT IS SO STIPULATED.

Dated: January 3, 2019

Respectfully submitted,

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

/s/ Diana Esquivel

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

Dated: January 3, 2019

Disabled Advocacy Group, APLC

/s/ Scottlynn J. Hubbard (as authorized
1/3/19)

SCOTTLYNN J. HUBBARD
Attorney for Plaintiff William Barker

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1 **[Proposed] ORDER**

2 Good cause appearing, the parties' stipulated request to further modify the expert-related
3 deadlines is GRANTED. The March 26 and November 19, 2018 Orders (ECF Nos. 53, 56) are
4 modified as follows:

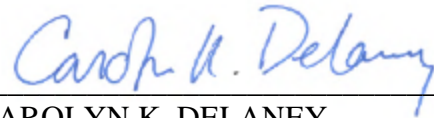
5 The deadline for disclosing expert witnesses is January 25, 2019, with any rebuttal experts
6 witness disclosures due by February 22, 2019.

7 Expert discovery shall close on March 22, 2019. Any discovery motions related to expert
8 discovery must be noticed for the hearing to take place by this date and shall be brought in the
9 same manner as motions related to non-expert discovery.

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

11 IT IS SO ORDERED.

12 Dated: January 8, 2019



13 _____
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE

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