

1 Jay T. Jambeck (SBN # 226018)  
 2 *jjambeck@leighlawgroup.com*  
 3 Mandy G. Leigh (SBN # 225748)  
 4 *mleigh@leighlawgroup.com*  
 5 Damien B. Troutman (SBN # 286616)  
 6 *dtroutman@leighlawgroup.com*  
 7 LEIGH LAW GROUP, P.C.  
 8 870 Market St., Suite 1157  
 9 San Francisco, CA 94102  
 10 Office: (415) 399-9155  
 11 Fax: (415) 795-3733

12 Attorneys for Plaintiff  
 13 ISIAIAH BROWN

14 SPINELLI, DONALD & NOTT  
 15 A Professional Corporation  
 16 Domenic D. Spinelli (SBN: 131192)  
 17 Evan M. McLean (SBN: 309756)  
 18 815 S Street, Second Floor  
 19 Sacramento, CA 95811  
 20 Telephone: (916) 448-7888  
 21 Facsimile: (916) 448-6888

22 Attorneys for Defendant  
 23 ELK GROVE UNIFIED SCHOOL DISTRICT

24 **IN THE UNITED STATES DISTRICT COURT**

25 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

26 ISIAIAH BROWN,

Plaintiff,

v.

ELK GROVE UNIFIED SCHOOL  
 DISTRICT,

Defendant.

**Case No.:** 2:17-cv-00396-KJM-DB

**STIPULATION AND ORDER TO EXTEND  
 DISCOVERY DEADLINES**

**Notice of Removal:** February 23, 2017  
**FAC Filed:** April 14, 2017  
**Trial Date:** Not yet set

1 **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Pursuant to Fed. R. Civ. P. 16 and this Court's Local Rules 143-44, Plaintiff ISAIAH  
3 BROWN ("Plaintiff") and Defendant ELK GROVE UNIFIED SCHOOL DISTRICT  
4 ("Defendant"), by and through their counsel of record, hereby agree and stipulate as follows:

5 1. On January 25, 2018, the Court ordered the completion of non-expert discovery by  
6 Friday, December 7, 2018. (Dkt. # 24, 2:6-7). Additionally, the Court ordered expert disclosures  
7 by February 1, 2019; supplemental expert disclosures by March 1, 2019; and the completion of  
8 expert discovery by April 5, 2019. (*Id.* at 2:18-25 & 3:21).

9  
10 2. In addition to written discovery, the parties have diligently taken discovery in this matter,  
11 including completing Plaintiff's deposition on November 27, 2018. However, both parties  
12 contemplate additional discovery, particularly depositions, before the non-expert discovery  
13 deadline to assess the possibility of informal resolution, and to determine whether summary  
14 judgment motion practice will be necessary.

15  
16 3. Accordingly, the parties stipulate and request amendment of the above-mentioned  
17 discovery deadlines to the following dates:

- 18 a. Non-expert discovery cutoff: January 21, 2019
- 19 b. Expert disclosures: March 1, 2019
- 20 c. Supplemental expert disclosures: April 1, 2019
- 21 d. Expert discovery cutoff: May 5, 2019

22 4. The parties agree that "good cause" exists for these requested amendments. See *Schaffner*  
23 *v. Crown Equipment Corporation*, 2011 WL 6303408, at \*2 (N.D. Cal. Dec. 16, 2011) (citing  
24 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (stating that "good  
25 cause" exists when a deadline "cannot reasonably be met despite the diligence of the party  
26 seeking the extension."); *Hood v. Hartford Life & Accident Ins. Co.*, 567 F.Supp.2d 1221, 1224

1 (E.D. Cal. 2008) (providing that good cause is established by showing (1) diligence in assisting  
2 the creation of a workable Rule 16 order; (2) noncompliance with a Rule 16 deadline occurred  
3 or will occur, notwithstanding the parties' diligence to comply, because of the development of  
4 matters which could not have been reasonably foreseen or anticipated at the time of the Rule 16  
5 scheduling conference; and (3) diligence in seeking amendment of the Rule 16 order, once it  
6 became apparent that the parties could not comply with the order).

7  
8 5. The parties do not discern any prejudice to themselves or the Court by these requested  
9 extensions, as no trial date as been set. (Dkt. # 24, 5:17-21).

10 6. Neither party has previously requested amendment of the scheduling order in this matter.

11 ACCORDINGLY, THE PARTIES STIPULATE AND RESPECTFULLY REQUEST

12 AMENDMENT OF THE SCHEDULING ORDER AS FOLLOWS:

- 13 a. Non-expert discovery cutoff: January 21, 2019  
14 b. Expert disclosures: March 1, 2019  
15 c. Supplemental expert disclosures: April 1, 2019  
16 d. Expert discovery cutoff: May 5, 2019

17 IT IS SO STIPULATED THROUGH COUNSEL:

18 Date: December 6, 2018

LEIGH LAW GROUP, P.C.

19 /s/ Damien B. Troutman  
DAMIEN B. TROUTMAN  
Attorney for Plaintiff  
ISAIAH BROWN

21 Date: December 6, 2018

SPINELLI, DONALD & NOTT

22 /s/ Domenic D. Spinelli  
DOMENIC D. SPINELLI  
EVAN M. MCLEAN  
Attorney for Defendant  
ELK GROVE UNIFIED SCHOOL  
23 DISTRICT  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 10, 2018.

  
UNITED STATES DISTRICT JUDGE