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 23 ELK GROVE UNIFIED SCHOOL DISTRICT

24 **IN THE UNITED STATES DISTRICT COURT**

25 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

26 ISAAH BROWN,

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

Plaintiff,

**STIPULATION AND ORDER TO EXTEND  
 PRETRIAL DEADLINES**

v.

ELK GROVE UNIFIED SCHOOL  
 DISTRICT,

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

Defendant.

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" or "EGUSD"), by and through their counsel of record, hereby agree and stipulate  
5 as follows:

6 1. On December 11, 2018, pursuant to stipulation, the Court extended the parties' non-  
7 expert discovery deadline to January 21, 2019; the expert disclosures deadline to March 1, 2019;  
8 the supplemental expert disclosures deadline to April 1, 2019; and the expert discovery cutoff to  
9 May 5, 2019. (Dkt. # 30). Additionally, per the Court's initial scheduling order, the deadline to  
10 hear all dispositive motions is July 12, 2019. (Dkt. # 24, 3:23-24).

11 2. Prior to the revised non-expert discovery deadline, Plaintiff's undersigned counsel  
12 requested to take the depositions of two EGUSD coaches, Jesse Foremaker and Patrick Roth,  
13 who Plaintiff alleges were decision-makers in the discriminatory decisions to deny him spots on  
14 the Varsity basketball teams at Franklin High School and Cosumnes Oaks High School. (*See*  
15 *e.g.*, Dkt. # 7, ¶¶ 9, 14). However, neither the witnesses nor Defendant's counsel were available  
16 before the revised discovery deadline. After meeting and conferring, the parties agreed that  
17 Plaintiff will take both depositions on March 8, 2019.

18 3. Accordingly, the parties stipulate and request amendment of the above-mentioned  
19 deadlines to the following dates:

- 20 a. Non-expert discovery cutoff: March 8, 2019  
21 b. Expert disclosures: April 15, 2019  
22 c. Supplemental expert disclosures: May 15, 2019  
23 d. Expert discovery cutoff: June 20, 2019  
24 e. Deadline to hear dispositive motions: August 30, 2019 (or as soon thereafter as  
25 the parties may be heard)  
26

1 4. The parties agree that “good cause” exists for these requested amendments. See *Schaffner*  
2 *v. Crown Equipment Corporation*, 2011 WL 6303408, at \*2 (N.D. Cal. Dec. 16, 2011) (citing  
3 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992); see also *Hood v.*  
4 *Hartford Life & Accident Ins. Co.*, 567 F.Supp.2d 1221, 1224 (E.D. Cal. 2008) (providing that  
5 good cause is established by showing (1) diligence in assisting the creation of a workable Rule  
6 16 order; (2) noncompliance with a Rule 16 deadline occurred or will occur, notwithstanding the  
7 parties’ diligence to comply, because of the development of matters which could not have been  
8 reasonably foreseen or anticipated at the time of the Rule 16 scheduling conference; and  
9 (3) diligence in seeking amendment of the Rule 16 order, once it became apparent that the parties  
10 could not comply with the order).

11  
12 5. The parties discern no prejudice to themselves or the Court, which will not set a trial date  
13 until after the Final Pretrial Conference following any dispositive motions. (Dkt. # 24, 5:17-21).  
14 Though the parties have once previously requested to amend the Court’s initial scheduling order,  
15 they herein request one additional set of extensions to finalize discovery and prepare this case for  
16 pretrial resolution, e.g., alternative dispute resolution or summary judgment.

17  
18 ACCORDINGLY, THE PARTIES STIPULATE AND RESPECTFULLY REQUEST  
19 AMENDMENT OF THE SCHEDULING ORDER AS FOLLOWS:

- 20 a. Non-expert discovery cutoff: March 8, 2019  
21 b. Expert disclosures: April 15, 2019  
22 c. Supplemental expert disclosures: May 15, 2019  
23 d. Expert discovery cutoff: June 20, 2019  
24 e. Deadline to hear dispositive motions: August 30, 2019 (or as soon thereafter as  
25 the parties may be heard)

26 IT IS SO STIPULATED THROUGH COUNSEL:

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1 ///

2 Date: February 7, 2018

LEIGH LAW GROUP, P.C.

3 /s/ Damien B. Troutman  
4 DAMIEN B. TROUTMAN  
5 Attorney for Plaintiff  
6 ISAIAH BROWN

7 Date: February 7, 2018

SPINELLI, DONALD & NOTT

8 /s/ Evan M. McLean  
9 DOMENIC D. SPINELLI  
10 EVAN M. MCLEAN  
11 Attorney for Defendant  
12 ELK GROVE UNIFIED SCHOOL  
13 DISTRICT

14 **ORDER**

15 THE SCHEDULING ORDER IS AMENDED AS FOLLOWS:

- 16 A. Non-expert discovery cutoff: March 8, 2019  
17 B. Expert disclosures: April 15, 2019  
18 C. Supplemental expert disclosures: May 15, 2019  
19 D. Expert discovery cutoff: June 20, 2019  
20 E. Deadline to hear dispositive motions: September 6, 2019 at 10:00 a.m.

21 DATED: February 12, 2019.

22   
23 \_\_\_\_\_  
24 UNITED STATES DISTRICT JUDGE  
25  
26