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 15 IN THE UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA
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18 ALINA VARFOLOMEEVA,
 19 Plaintiff,
 20 v.
 21 UNITED STATES OF AMERICA,
 22 Defendant.

Case No. 2:17-cv-00599-MCE-CKD

**STIPULATION AND ORDER MODIFYING
 PRETRIAL SCHEDULING ORDER**

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1 **STIPULATION AND PROPOSED ORDER MODIFYING PRETRIAL SCHEDULING ORDER**

2 Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 240(b), and the Court’s Initial
3 Pretrial Scheduling Order (ECF No. 3), the parties have met and conferred regarding the nature and
4 basis of their claims and defenses; the possibility of promptly settling or resolving this case; the
5 disclosures required by Rule 26(a)(1); preserving discoverable information; and developing a proposed
6 discovery plan. Having so met and conferred,

7 IT IS HEREBY STIPULATED, by and between the parties and subject to Court approval, that
8 the Initial Pretrial Scheduling Order be modified as set forth below:

- 9 Deadline to serve initial disclosures June 26, 2017
- 10 Deadline to complete fact discovery December 18, 2017
- 11 Deadline for Plaintiff’s initial expert disclosures January 29, 2018
- 12 Deadline for Defendant’s initial expert disclosures March 26, 2018
- 13 Deadline for supplemental (*i.e.*, rebuttal) expert disclosures May 28, 2018
- 14 Deadline to complete expert discovery July 30, 2018
- 15 Deadline for filing dispositive motions September 17, 2018

16 The parties believe most of the discovery in this case will concern the disclosure and
17 examination of opinions held by medical and other expert witnesses. Accordingly, the parties propose
18 modifying the Initial Pretrial Scheduling Order to allocate more time to expert discovery than fact
19 discovery. In compliance with Federal Rule of Civil Procedure 26(f)(3), the parties provide the
20 following additional information for the Court’s consideration.

21 **I. Brief Case Summary**

22 This case arises from a motor vehicle accident involving a pedestrian. On November 19, 2014,
23 Plaintiff Alina Varfolomeeva alleges she was in a crosswalk at the intersection of J Street and Fifth
24 Street in Sacramento, California, when a vehicle operated by a federal employee struck her in violation
25 of California Vehicle Code section 21950(a). Plaintiff further alleges that the collision caused her
26 personal injuries and other economic and noneconomic damages. Plaintiff maintains this action against
27 the United States of America pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–80,
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1 which provides the exclusive remedy for personal injuries arising from the alleged negligent acts or
2 omissions of federal employees acting within the scope of their employment. *Id.* § 2679(b)(1).

3 **II. Compliance with Federal Rule of Civil Procedure 26(f)(3)**

4 **A. Disclosures Pursuant to Rule 26(a)**

5 The parties will serve initial disclosures no later than June 26, 2017. The parties propose that
6 Plaintiff shall serve her initial expert disclosures no later than January 29, 2018, and Defendant shall
7 serve its initial expert disclosures no later than March 26, 2018. The parties propose that any
8 supplemental (*i.e.*, rebuttal) expert disclosures be served no later than May 28, 2018.

9 **B. Subjects and Timing of Discovery**

10 The parties believe the subjects of discovery will include the nature, location, and timing of
11 Plaintiff's actions and those of the alleged tortfeasor on November 19, 2014, and the nature and extent
12 of the personal injuries and other economic and noneconomic damages that Plaintiff alleges resulted
13 from the incident. The parties propose that discovery occur in two phases—fact discovery and expert
14 discovery—as outlined above. The parties propose a deadline of December 18, 2017, to complete fact
15 discovery, and a deadline of July 30, 2018, to complete expert discovery.

16 **C. Electronically Stored Information**

17 The parties do not anticipate discovery of electronically stored information.

18 **D. Protection of Privileges or Trial-Preparation Materials**

19 The parties hereby agree that the scope of discovery shall not include documents prepared by
20 counsel on or after November 19, 2014, or confidential attorney-client communications occurring on or
21 after November 19, 2014, and that such documents or information shall be deemed non-responsive and
22 may be withheld without the need to assert or interpose an objection or seek a protective order, except as
23 provided in Federal Rule of Civil Procedure 26(b)(4)(C) for certain communications with or documents
24 provided to testifying experts. The parties further agree that privilege logs need not be produced unless
25 and until requested by counsel in connection with specific objections that have been asserted.

26 **E. Changes in Discovery Limitations**

27 The parties do not propose any changes in the limitations imposed on discovery by the Federal
28 Rules of Civil Procedure and the Court's Local Rules.

1 **F. Other Orders Concerning Discovery**

2 The parties do not propose any other orders concerning discovery.

3 Dated: May 15, 2017

TARASENKO LAW OFFICE

4 By: /s/ Kirill B. Tarasenko (authorized on 5/15/2017)
KIRILL B. TARASENKO, ESQ.

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6 Attorney for Plaintiff
ALINA VARFOLOMEEVA

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8 Dated: May 22, 2017

PHILLIP A. TALBERT
United States Attorney

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10 By: /s/ Joseph B. Frueh
JOSEPH B. FRUEH
Assistant United States Attorney

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12 Attorneys for Defendant
UNITED STATES OF AMERICA

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14 **IT IS SO ORDERED.**

15 Dated: May 24, 2017

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE