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6 Attorneys for Plaintiff  
 7 DENISE SMART

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 DENISE SMART, Individually and as )  
 Successor in Interest of Decedent )  
 12 DANIEL SHAHAM, )  
 )  
 13 Plaintiff, )  
 )  
 14 vs. )  
 )  
 15 CALIFORNIA HIGHWAY PATROL, a )  
 state agency, CHIEF OF CHP )  
 16 NORTHERN DIVISION )  
 HEADQUARTERS, SCOTT )  
 17 GILLINGWATER, in his individual )  
 capacity; CALIFORNIA HIGHWAY )  
 18 PATROL OFFICER PAUL BRIAN )  
 SHADWELL; and DOES 1 through 10, )  
 19 individually, jointly and severally, )  
 20 Defendants. )  
 21 )  
 22 )  
 23 )

No: 2:17-cv-01075-TLN-JDP

**STIPULATION AND ORDER TO  
 MODIFY SCHEDULING ORDER**

1 All parties, by and through their counsel of record, stipulate and hereby move this court to  
2 modify its December 4, 2020, Scheduling Order (Doc. 56) to extend discovery and pretrial  
3 deadlines by approximately 3 months. The parties propose the following amended dates and  
4 deadlines (or as soon thereafter that the Court is available):

5 <b>Event</b>	<b>Current date</b>	<b>Proposed Date or Deadline</b>
6 Fact Discovery Cut-off	April 20, 2021	July 20, 2021
7 Expert Disclosures Deadline	May 5, 2021	August 5, 2021
8 Supplemental Expert 9 Disclosures Deadline	May 19, 2021	August 19, 2021
10 Dispositive Motion hearing deadline	July 8, 2021	October 7, 2021

11  
12 Good cause exists to grant the requested modification:

13 1. This is a civil rights/wrongful death case involving the shooting death of Daniel  
14 Shaham against Defendant Officer Paul Shadwell.

15 2. The Parties are currently involved in related discovery disputes concerning Officer  
16 Shadwell's mental condition and fitness for duty when he fatally shot Daniel Shaham on June 4,  
17 2016. Defendants filed a Motion to Quash certain subpoenas Plaintiff served on multiple entities.  
18 (Doc. 59). Plaintiff filed a Motion to Compel Defendants' discovery responses. (Doc. 65). Judge  
19 Peterson held a hearing for both motions on February 25, 2021, but has yet to issue a ruling on  
20 either motion. Once these issues are resolved, Plaintiff intends to file a Motion for a Rule 35 exam.  
21 Per Judge Peterson's instruction, Plaintiff has postponed filing the related Rule 35 motion until after  
22 the ruling on the pending motions.  
23

24 3. The Parties anticipate that additional time will be needed to resolve these issues  
25 beyond the current deadlines. If the motions are granted, the proposed modifications will provide  
26 the parties the necessary time to take further depositions, if necessary, and for the completion of the  
27 Rule 35 exam without the time constraints under the present scheduling order.  
28

1           4.       The Parties reasonably believed that their previous stipulation to extend discovery  
2 and pretrial deadlines by approximately 3 months (Doc. 54) would have provided the parties and the  
3 Court sufficient time to address these matters. The parties are confident that all remaining  
4 discovery disputes will be resolved within the proposed modified deadlines.

5           5.       The parties are mindful of the Court's limited resources, especially during this  
6 pandemic. All counsel will continue to work cooperatively to resolve remaining discovery issues in  
7 an orderly fashion and believe that they will complete all necessary discovery with this final three-  
8 month extension of discovery deadlines.

9           For the foregoing reasons, the Parties respectfully request that this Court enter an order  
10 extending the briefing schedule in this case as set forth above.

11  
12  
13           IT IS SO STIPULATED.

14  
15           DATED: March 29, 2021

HADDAD & SHERWIN LLP

16           */s/ Teresa Allen*

17           \_\_\_\_\_  
TERESA ALLEN  
Attorneys for Plaintiff

18  
19           DATED: March 29, 2021

MATTHEW RODRIQUEZ  
Acting Attorney General of California  
CATHERINE WOODBRIDGE  
Supervising Deputy Attorney General

20           */s/ Amie C. McTavish*

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AMIE C. MCTAVISH  
Deputy Attorney General  
Attorneys for Defendants

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**ORDER**

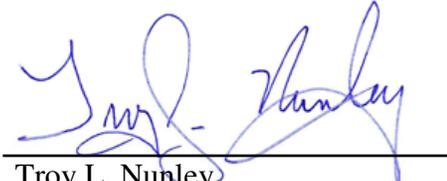
Based on the parties’ stipulation, and with good cause appearing therefor,

IT IS HEREBY ORDERED that the previous Scheduling Order entered on December 4, 2020 (Doc. 56) is hereby modified, and that the following dates are set:

<b>Event</b>	<b>New Date or Deadline</b>
Fact Discovery Cut-off	July 20, 2021
Expert Disclosures Deadline	August 5, 2021
Supplemental Expert Disclosures Deadline	August 19, 2021
Dispositive Motion hearing deadline	<b>October 14, 2021</b>

IT IS SO ORDERED.

Dated: March 31, 2021

  
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Troy L. Nunley  
United States District Judge