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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 10 SACRAMENTO DIVISION

12 **JAIME BELTRAN,**  
 13  
 Plaintiff,  
 14  
 v.  
 15  
 16 **BAKER, et al. ,**  
 17 Defendants.

Case No. 2:17-cv-1520 TLN AC P  
**STIPULATION AND ~~PROPOSED~~  
 ORDER TO MODIFY THE DISCOVERY  
 AND SCHEDULING ORDER**  
 Judge: The Honorable Allison Claire  
 Trial Date: Not set  
 Action Filed: July 21, 2017

19 Defendants E. Baker, B. Cross, D. Tran, M. Swett, G. Smith and T. Guerra and Plaintiff  
 20 Jaime Beltran (CDCR No. K87116), by and through their respective counsel of record, hereby  
 21 stipulate and request that the Court modify its January 27, 2022 discovery and scheduling order  
 22 (ECF No. 67) to extend Defendants’ response deadline to Plaintiff’s initial written discovery, Set  
 23 No. One, served on May 25, 2021, from April 30, 2022 to May 23, 2022. This additional time is  
 24 requested so that Defendants can continue gathering information for responses to Plaintiff’s  
 25 discovery after meaningful discussions regarding discovery issues, so that Defendants can assess  
 26 Plaintiff’s recent settlement demand, and because Defendants’ counsel anticipates that new  
 27 counsel will be engaged in this matter. In all other respects, the discovery and scheduling order  
 28

1 should remain unchanged. While this is the fifth stipulation to modify the schedule in this matter,  
2 it is the first request of its kind following the Court's January 27 discovery and scheduling order.

3 A scheduling order may be modified only upon a showing of good cause and by leave of  
4 Court. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975  
5 F.2d 604, 609 (describing the factors a court should consider in ruling on such a motion). In  
6 considering whether a party moving for a schedule modification has shown good cause, the Court  
7 primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at  
8 609 (citing Fed. R. Civ. P. 16 advisory committee's notes of 1983 amendment). When an act  
9 must be done within a specified time, the court may, for good cause, extend the time with or  
10 without motion or notice if the court acts, or if a request is made, before the original time expires.  
11 Fed. R. Civ. P. 6(b)(1)(A).

12 Good cause exists to modify the discovery and scheduling order based on the following  
13 procedural history of this matter:

14 1. Since the last stipulation to modify the discovery and scheduling order, the parties  
15 have met and conferred regarding issues identified in Plaintiff's discovery requests, including the  
16 scope of certain requests yielding a voluminous number of responsive materials in electronic mail  
17 searches, among other topics. Specifically, the parties met and conferred by email and letter  
18 correspondence on March 3, 2022, March 23, 2022, March 30, 2022, April 6, 2022 and April 20,  
19 2022. The parties have also met and conferred by telephone conference on March 25, 2022,  
20 March 31, 2022 and April 25, 2022.

21 2. Over the past two months, the parties have engaged in meaningful discussions  
22 regarding resolution of the matter, including discussions of the legal issues and case valuation.  
23 On March 30, 2022, Plaintiff counsel communicated to defense counsel through letter  
24 correspondence a second settlement demand, which Defendants are continuing to assess. In  
25 addition, defense counsel explored a further judicial mediation with the Eastern District's  
26 mediation coordinator. Although the parties did not agree to attend mediation at this time,  
27 additional time will allow Defendants to more fully assess Plaintiff's recent demand while still  
28 continuing to work on discovery matters.

1           3.     In the meantime, defense counsel has continued with the process of conferring with  
2 institutional clients on the written discovery responses to Plaintiff’s discovery requests. Further,  
3 defense counsel has continued to confer with California Department of Corrections and  
4 Rehabilitation staff in efforts to obtain discovery document requests within the written discovery  
5 response deadline. In addition, Defendants worked extensively with electronic discovery  
6 specialists concerning Plaintiff’s request for production of documents. However, as of April 25,  
7 2022, the parties have certain outstanding discovery issues, including as to the scope of Plaintiff’s  
8 request for production of documents containing email search requests that have yielded over one  
9 million search returns and require additional narrowing of scope. Therefore, Defendants require  
10 more time to complete its written discovery responses to Plaintiff’s written discovery requests.

11           4.     Lastly, defense counsel anticipates that new counsel will be assigned in this matter.  
12 Defendants’ new counsel will need to become familiar with these issues in the case, assist in  
13 providing responses to Plaintiff’s discovery requests presently due on April 30, and contribute to  
14 assessing Plaintiff’s recent settlement demand.

15           5.     Accordingly, good causes exists to modify the discovery and scheduling order on the  
16 grounds described above, and to minimally extend the existing discovery deadlines. Such an  
17 extension could also allow the parties to resolve issues without judicial involvement, and thus  
18 preserve the Court’s resources.

19           **For these reasons, the parties hereby stipulate and agree to the following:**

20           The parties request that the Court modify its January 27, 2022 discovery and scheduling  
21 order (ECF No. 67) to extend Defendants’ response deadline to Plaintiff’s initial written  
22 discovery, Set No. One, served on May 25, 2021, from April 30, 2022 to May 23, 2022.

23           In all other respects, the discovery and scheduling order should remain unchanged.  
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Dated: April 26, 2022

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JAY M. GOLDMAN  
Supervising Deputy Attorney General

/s/ Kyle A. Lewis  
KYLE A. LEWIS  
Deputy Attorney General  
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Guerra*

Dated: April 26, 2022

LAW OFFICE OF JARRETT ADAMS PLLC

/s/ Lillian Gaither  
LILLIAN GAITHER  
*Attorneys for Plaintiff Jaime Beltran*

**IT IS SO ORDERED.**

DATED: April 26, 2022

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE