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UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

Pablo Robles;

Plaintiff,

vs.

County of Sacramento; Sheriff Scott Jones, in his official capacity, Deputy Hardy (Badge No. 1434) , Deputy Daniel (Badge No. 645), Deputy Movahan (Badge No. 452), Deputy PAM (Badge No. 31), Sgt. M. Lopez (Badge No. 179), Deputy Matoon (Badge No. 1095), Officer S. Roby (Badge No. 529), and Does 1-40, inclusive.

Defendants.

) **CASE NO.: 2:17-cv-01580-JAM-AC**
)
) **REVISED JOINT STIPULATION TO**
) **MODIFY SCHEDULING ORDER TO**
) **RESET MOTION FOR SUMMARY**
) **JUDGMENT, TO EXTEND TIME FOR**
) **OPPOSITION AND REPLY TO MOTION**
) **FOR SUMMARY JUDGMENT,**
) **PRETRIAL AND TRIAL DATES; ORDER**
)
) **Date: December 10, 2019**
) **Time: 1:30 p.m.**
) **Courtroom: 6**
)
) **Complaint Filed: 12/04/2017**
) **First Amended Comp.: 3/20/2018**
)
)

Plaintiff PABLO ROBLES and Defendant COUNTY OF SACRAMENTO by and through their respective counsel of record, submit the following Stipulation to Modify the PreTrial Scheduling Order, Order dated August 20, 2018 (ECF No. 27).

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court, that the following:

1) That the hearing date set in the instant matter pursuant to the PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) for Defendant COUNTY OF SACRAMENTO'S MOTION FOR SUMMARY JUDGEMENT set for December 10, 2019, at 1:30 p.m. in Court Room 6 be continued to February 11, 2020, at 1:30 in Court Room 6.

2) That Plaintiff Pablo Robles Opposition to Defendant COUNTY OF SACRAMENTO'S MOTION FOR SUMMARY JUDGEMENT which is currently due on September 26, 2019, be continued to be served electronically and filed on or about January 28, 2020.

3) That the COUNTY OF SACRAMENTO's Reply to the Opposition to the Motion for Summary Judgment, if any, be continued from December 3, 2019, to February 4, 2020.

4) Good cause exists due to the declaration of Kevin W. Harris which establishes that he does not have adequate time to prepare a response to this motion due to previously calendared matters is attached hereto to Modify the Court's Pretrial PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) .

5) As the dates for the Joint Pretrial Conference Statement, the Final Pretrial Conference, and the Trial Date in the Court's Pretrial PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) would be affected by the Court's resetting the dates related to the Motion for Summary Judgment, these dates are being reset to dates which are available to the Court.

6) That the due date for the Joint Pretrial Statement set in the instant matter pursuant to the PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) be continued from January 17, 2020 to March 13, 2020.

7) That the Final Pretrial Conference set the instant matter pursuant to the PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) set for January 24, 2020, at 1:30 p.m. in Court Room 6 be continued to March 20, 2020, at 11:00 a.m. in Court Room 6.

9) That the Trial date set the instant matter pursuant to the PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) set for March 2, 2020, at 1:30 p.m. in Court Room 6 be continued to June 22, 2020, at 9:00 a.m. in Court Room 6.

Dated: November 25, 2019

Respectfully submitted,

/s/ Kevin W. Harris (authorized on 11-26-19)
Kevin W. Harris
Attorney for Plaintiffs

Dated: December 2, 2019

/s/ John R. Whitefleet
John R. Whitefleet
Porter Scott
Attorneys for Defendant
COUNTY OF SACRAMENTO

DECLARATION OF KEVIN W. HARRIS

I, Kevin W. Harris, declare as follows:

1. I am the attorney for Plaintiff Pablo Robles in the abovementioned matter. The parties previously stipulated to extend time in this matter to allow further discovery which the Court granted. Unfortunately, the discovery could not be completed until December 9, 2019, due

to Defense Counsel and the Person Most Knowledgeable of the County being unavailable until that date. I took the Deposition of the Person Most Knowledgeable on December 9, 2019, and ordered the transcript at that time. I have not received a copy of that transcript yet and believe it is necessary for my opposition to the Motion for Summary Judgment.

2. Defendant COUNTY OF SACRAMENTO filed and served the Motion for Summary Judgment on November 12, 2019, for a hearing on December 10, 2019. I do not have sufficient time to respond to the Motion for Summary Judgment on or by November 26, 2019, due to my court schedule and other pending matters. The following constitutes the conflict with my calendar which results in me not having sufficient time:

a. On November 12, 2019, I had a criminal law appearance in a Trial Setting in which a plea and sentencing of our client was taken in Merced County.

b. On November 13, 2019, I had a Master Hearing in an immigration case in San Francisco which required me to review the file and prepare for the hearing beforehand.

c. On November 18, 2019, I had a Master Hearing in an immigration case in San Francisco which required me to review the file and prepare for the hearing beforehand.

d. On November 20, 2019, I had two Master Hearings in immigration cases in San Francisco which required me to review the files and prepare for the hearing beforehand.

e. On November 21, 2019, I have a Case Management Conference in Sacramento County Superior Court.

f. On November 22, 2019, I need to attend an USCIS interview of a client in Sacramento.

g. On November 25, 2019, I have the deposition of a client in a civil case which has been previously reset and for which I need to prepare him.

h. On November 26, 2019, I have a Master Hearing in an immigration case in San Francisco which requires me to review the file and prepare for the hearing beforehand.

i. I have a Motion to Strike/Demurrer in a civil case which I just filed with the Court on March 25, 2019.

3. The additional time to allow me to file the Opposition until the December 17, 2019, is due to my schedule after November 26, 2019, as follows:

a. On November 27, 2019, I have a criminal court appearance for a client in Madera County.

b. On December 2, 2019, I have an Individual Hearing in a detained immigration case in San Francisco in the morning and a Master Hearing in a non-detained immigration case in the afternoon. I need to prepare for both hearings beforehand.

c. On December 5, 2019, I have an Individual Hearing in an immigration case in San Francisco.

The foregoing is true and correct and of my own personal knowledge, if called as a witness, I could and would competently testify thereto.

Executed this 21st Day of November, 2019.

/s/ Kevin W. Harris
Kevin W. Harris
Declarant

ORDER

GOOD CAUSE appearing, the Court hereby modifies the the PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) as follows:

1. The hearing date of Defendant COUNTY OF SACRAMENTO'S motion for summary judgment on December 10, 2019, is reset to February 11, 2020, at 1:30 in Court Room 6.
2. Plaintiff Pablo Robles response to Defendant COUNTY OF SACRAMENTO'S MOTION FOR SUMMARY JUDGEMENT which is currently due on November 26, 2019, be continued to be served electronically and filed on or about January 7, 2020.
3. That the COUNTY OF SACRAMENTO's Reply to the Opposition to the Motion for Summary Judgement, if any, which is currently due on December 3, 2019, is continued to be served electronically and filed on January 14, 2020.
4. Good cause exists due to the declaration of Kevin W. Harris which establishes that he does not have adequate time to prepare a response to the motion for summary judgment due to previously calendared matters is attached hereto to Modify the Court's Pretrial PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27.).
5. The Joint Pretrial statement currently due on January 17, 2020 in the Court's Pretrial PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) is vacated and reset to March 13, 2020.
6. The Final pre-trial conference currently set for January 24, 2020 at 10:00 a.m. in the Court's PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) is vacated an reset to March 20, 2020.
7. The Trial Date currently set for March 2, 2020 at 9:00 a.m. in the Court's Pretrial

PreTrial Scheduling Order dated August 20, 2018 (ECF No. 27) is vacated and reset to June 22, 2020 at 9:00 a.m. in Courtroom 6.

IT IS SO ORDERED.

Dated: December 2, 2019

/s/ John A. Mendez
United States District Court Judge