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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MYRTLE STREET FLATS LLC dba
SUNRISE PROPERTIES,

Plaintiff,

v.

CITY OF VALLEJO, et al.,

Defendants.

No. 2:17-cv-1662-JAM-KJN

ORDER

On March 14, 2019, the court conducted a hearing on plaintiff’s motion to preclude James McMullen as an expert for defendant City of Vallejo and for leave to conduct additional depositions above the ten-deposition limit outlined in Federal Rule of Civil Procedure 30(a)(2)(A)(i). (ECF No. 61.) After carefully considering the parties’ joint statement regarding their discovery disagreement (ECF No. 64) and oral argument at the hearing, and for the reasons stated on the record at the hearing, IT IS HEREBY ORDERED that:

1. Plaintiff’s motion to preclude James McMullen (and his company) as an expert for defendant City of Vallejo is GRANTED.
2. The City of Vallejo is granted leave to designate a new expert in place of McMullen in accordance with all the requirements of Federal Rule of Civil Procedure 26(a)(2)

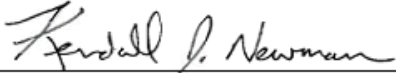
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within 60 days of this order. Any rebuttal expert disclosure from plaintiff shall be due within 30 days of the expert disclosure by the City of Vallejo.

3. In light of the anticipated impact on the current case schedule, the parties are directed to promptly meet and confer, and submit a stipulation and proposed order for modification of the case schedule for Judge Mendez's consideration.
4. Plaintiff is granted leave to conduct the 14 total proposed depositions outlined in the joint statement. In accordance with the parties' joint request, the deposition of ECS Construction may take place in April 2019 after the present discovery completion deadline, to the extent that the request may not be moot after any modification of the scheduling order.

IT IS SO ORDERED. This order resolves ECF No. 61.

Dated: March 15, 2019


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE