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9 Attorney for Defendant, COUNTY OF TEHAMA

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 ROBERT LENKNER; MATT JACUZZI;
13 KEN ZIU THANG; SHANNON F.
14 SAETERN; JOHN ALDERTON; AARON
15 STANDISH MATHISEN; ELIZABETH
16 MERRY; CONNIE BILTON; RANDOLPH
17 BILTON; AND THE BILTON FAMILY
18 REVOCABLE TRUST,

19 Plaintiffs,

20 v.

21 COUNTY OF TEHAMA, a municipal
22 corporation; and DOES 1-50,

23 Defendants.

Case No.: 2:17-cv-01839-JAM-DMC

**AMENDED JOINT STIPULATION TO
MODIFY PRE-TRIAL SCHEDULING
ORDER AND ORDER**

Complaint Filed: 09/05/17

First Amended Complaint: 12/22/17

24 This Stipulation is entered into by and between Plaintiffs KEN ZIU THANG (“THANG”),
25 JOHN ALDERTON (“ALDERTON”), SHANNON SAETERN (“SAETERN”) and Defendant
26 COUNTY OF TEHAMA (“Defendant”) (collectively, “The Parties”) by and through their
27 respective counsel. The Parties enter into the stipulation and proposed order in compliance with the
28 Federal Rule of Civil Procedure 16(b). The Parties have conferred and agree to request the dates be
continued according to the following schedule:

Last day to file dispositive motions: May 7, 2019

1 Hearing on dispositive motions: June 4, 2019
2 Joint pre-trial statement: July 12, 2019
3 Final pre-trial conference: July 19, 2019 at 10:00 a.m.
4 Trial: August 26, 2019 at 9:00 a.m.

5 The Parties stipulate that good cause exists to request the scheduling amendments based on
6 the following circumstances. Plaintiffs THANG, ALDERTON, and SAETERN have each failed to
7 respond to written discovery requests, and Plaintiff ALDERTON has failed to appear for his
8 properly noticed deposition on three separate occasions.

9 In November 2018, Defendant filed a number of motions to compel Plaintiffs to respond to
10 written discovery and appear for deposition. *See* [Docket Nos. 33, 34, 36, 41, 42, 44.] On December
11 7, 2018, Magistrate Judge Dennis Cota granted Defendant’s motions and ordered Plaintiffs to
12 provide verified and notarized responses to Defendant’s discovery requests on or before December
13 14, 2018. [Docket No. 48.] Judge Cota also ordered Plaintiff ALDERTON to appear for his
14 deposition on or before December 14, 2018. *Id.*

15 The remaining Plaintiffs did not comply with the Court’s order.¹ Accordingly, on January
16 15, 2019, Defendant filed a Motion for Terminating Sanctions as to each remaining Plaintiff based
17 on their failure to comply with this Court’s December 7, 2018 Order. [Docket Nos. 51, 52, and 53.]
18 On January 29, 2019, Judge Cota issued an order vacating the January 31, 2019 hearing and taking
19 the matter under submission. [Docket No. 62.] As of the filing of this Stipulation and Proposed
20 Order, this Court has not issued an order regarding Defendant’s motions for terminating sanctions
21 against Plaintiff THANG, ALDERTON, nor SAETERN.

22 In addition, as of the filing of this Stipulation and Proposed Order, Plaintiffs THANG,
23 SAETERN, and ALDERTON have not complied with this Court’s December 7, 2018 Order by
24 providing verified and notarized responses to Defendant’s written discovery requests, and Plaintiff
25 ALDERTON has not appeared for his deposition. As such, Defendant has been unable to conduct
26 discovery against Plaintiffs, which has impaired Defendant’s ability to prepare a motion for

27 ¹ Plaintiffs ELIZABETH MERRY, AARON STANDISH MATHIESEN, ROBERT LENKNER,
28 CONNIE BILTON, RANDOLPH BILTON, and THE BILTON FAMILY REVOCABLE TRUST
voluntarily dismissed their claims with prejudice. Plaintiffs’ counsel has been unable to make
contact with the remaining Plaintiffs.

1 summary judgment and to defend against Plaintiff's claims at trial.

2 In the event this case is not dismissed pursuant to Defendant's pending motions for
3 terminating sanctions against Plaintiffs THANG, ALDERTON, and SAETERN, Defendant intends
4 to file a summary judgment motion. However, for the reasons described above, Defendant has not
5 been able to complete discovery regarding all Plaintiffs, and Defendant cannot file a summary
6 judgment motion until discovery has been completed. Furthermore, because the dispositive motion
7 deadline is currently set for February 19, 2019, Defendants will not be able to complete discovery
8 of the remaining Plaintiffs who have failed to comply with the Court's order prior to the dispositive
9 motion deadline.

10 In light of the foregoing circumstances, the Parties, by and through their respective
11 counsel, request a continuance of the trial, the dispositive motion deadline and hearing date, the
12 Joint Pre-trial statement deadline, and the Final Pre-trial Conference so that the Court may issue
13 its order on Defendant's pending motions for terminating sanctions and that, in the event the Court
14 does not dismiss the case, Defendant may complete discovery of the remaining Plaintiffs pursuant
15 to any further order of the Court.

16 **IT IS SO STIPULATED.**

17 Date: February 6, 2019

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19
20 By /s/ David R. Norton
Stephen E. Horan
David R. Norton
Attorneys for Defendant
COUNTY OF TEHAMA

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24 Date: February 6, 2019

LAW OFFICE OF SAMUEL C. WILLIAMS

25
26 By: /s/ Samuel C. Williams (authorized 2/6/19)
Samuel C. Williams
Attorney for Plaintiffs

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ORDER

Based upon the Stipulation of the parties, the current scheduling order is modified as set forth above.

IT IS SO ORDERED.

DATED: 2/6/2019

/s/ John A. Mendez
Honorable Judge John A. Mendez