

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INSTITUTE FOR JUSTICE
KEITH E. DIGGS*
PAUL V. AVELAR*
398 S. Mill Ave. #301
Tempe, AZ 85281
Telephone: (480) 557-8300
kdiggs@ij.org
pavelar@ij.org
**Admitted pro hac vice*

BENBROOK LAW GROUP, P.C.
BRADLEY A. BENBROOK (SBN 177786)
STEPHEN M. DUVERNAY (SBN 250957)
400 Capitol Mall, Suite 1610
Telephone: (916) 447-4900
brad@benbrooklawgroup.com
steve@benbrooklawgroup.com

Attorneys for Plaintiffs

XAVIER BECERRA
Attorney General of California
HEATHER B. HOESTEREY
Supervising Deputy Attorney General
P. PATTY LI (SBN 266937)
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3817
Patty.Li@doj.ca.gov

Attorneys for Defendants

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

PACIFIC COAST HORSESHOEING
SCHOOL, INC., et al.,

Plaintiffs,

v.

KIMBERLY KIRCHMEYER, et al.,

Defendants.

No. 2:17-CV-02217-JAM-GGH

**STIPULATION AND ORDER TO EXTEND
SCHEDULING ORDER DEADLINES**

Judge: Hon. John A. Mendez
Action Remanded: July 2, 2020

Plaintiffs Pacific Coast Horseshoeing School, Inc., Bob Smith, and Esteban Narez (“Plaintiffs”), and Defendants Kimberly Kirchmeyer, in her official capacity as Director of Consumer Affairs; and Michael Marion, in his official capacity as Chief of the Bureau for Private and Postsecondary Education (“Defendants,” and collectively with Plaintiffs, the “Parties”), by and through their respective counsel, hereby stipulate and agree as follows:

1 WHEREAS, on August 27, 2020, the Court entered a Pre-trial Scheduling Order in this
2 matter (ECF No. 33, “Scheduling Order”);

3 WHEREAS, under the Scheduling Order, the Parties are to disclose expert witnesses by
4 March 21, 2021; disclose rebuttal expert witnesses by April 9, 2021; conclude all discovery by
5 May 28, 2021; and file dispositive motions by July 13, 2021;

6 WHEREAS, the Parties have engaged in written discovery, but continue to meet and
7 confer regarding the sufficiency of responses to written discovery and additional areas of
8 discovery, including additional discovery necessary for the Parties to engage expert witness(es)
9 and evaluate their respective claims, defenses, and positions;

10 WHEREAS, the Parties agree that it would be premature to make expert disclosures or file
11 pretrial motions while the Parties continue to engage in good faith in the meet and confer
12 described above;

13 WHEREAS, despite their diligent efforts, disruptions caused by the COVID-19 pandemic
14 have made it more difficult for the Parties to comply with discovery obligations and conduct
15 discovery; and

16 WHEREAS, the Parties agree that an extension to the discovery schedule in this matter is
17 warranted, and that an extension of all deadlines by 12 weeks would not prejudice any of the
18 Parties;

19 THEREFORE, in consideration of the foregoing, it is hereby stipulated that:

20 1. With the Court’s approval, the Scheduling Order (ECF No. 33) shall be amended as
21 set forth below.

22 2. MOTION HEARINGS SCHEDULES: All dispositive motions shall be filed by
23 **October 5, 2021**. Hearing on such motions shall be set by the Court.

24 3. DISCOVERY: All discovery shall be completed by **August 20, 2021**.

25 4. DISCLOSURE OF EXPERT WITNESSES: The parties shall make expert witness
26 disclosures under Fed. R. Civ. P. 26(a)(2) by **June 18, 2021**. Supplemental disclosure and
27 disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by **July 20,**
28 **2021**.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. FINAL PRE-TRIAL CONFERENCE and TRIAL SETTING: New dates for the final pre-trial conference and jury trial in this matter shall be set by the Court.

Dated: March 3, 2021

Respectfully submitted,
INSTITUTE FOR JUSTICE

/s/ Keith Diggs
KEITH DIGGS
Attorney for Plaintiffs

Dated: March 3, 2021

XAVIER BECERRA
Attorney General of California
HEATHER B. HOESTEREY
Supervising Deputy Attorney General

/s/ P. Patty Li
P. PATTY LI
Deputy Attorney General
Attorneys for Defendants

