

1 INSTITUTE FOR JUSTICE
 2 KEITH E. DIGGS*
 3 PAUL V. AVELAR*
 4 398 S. Mill Ave. #301
 5 Tempe, AZ 85281
 6 Telephone: (480) 557-8300
 kdiggs@ij.org
 pavelar@ij.org
 *Admitted pro hac vice

ROB BONTA
 Attorney General of California
 HEATHER B. HOESTEREY
 Supervising Deputy Attorney General
 CHAD A. STEGEMAN (SBN 225745)
 P. PATTY LI (SBN 266937)
 Deputy Attorneys General
 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 Telephone: (415) 510-3817
 Patty.Li@doj.ca.gov
 Attorneys for Defendants

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

Attorneys for Plaintiffs

12
 13
 14 **UNITED STATES DISTRICT COURT**
 15 **EASTERN DISTRICT OF CALIFORNIA**

16
 17 PACIFIC COAST HORSESHOEING
 SCHOOL, INC., et al.,

18 Plaintiffs,

19 v.

20 KIMBERLY KIRCHMEYER, et al.,

21 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

22
 23 Plaintiffs Pacific Coast Horseshoeing School, Inc., Bob Smith, and Esteban Narez
 24 (“Plaintiffs”), and Defendants Kimberly Kirchmeyer, in her official capacity as Director of
 25 Consumer Affairs; and Deborah Cochrane,¹ in her official capacity as Chief of the Bureau for
 26 Private Postsecondary Education (“Defendants,” and collectively with Plaintiffs, the “Parties”),

27
 28 ¹ Deborah Cochrane succeeds former Chief of the Bureau for Private Postsecondary Education Michael Marion. Fed. R. Civ. P. 25(d) (an “officer’s successor is automatically substituted as a party”).

1 by and through their respective counsel, hereby stipulate and agree as follows:

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

4 WHEREAS, on March 3, 2021, the Court entered an order amending that Pre-trial
5 Scheduling Order (ECF No. 35, "Amended Scheduling Order");

6 WHEREAS, under the Amended Scheduling Order, the Parties are to disclose expert
7 witnesses by June 18, 2021; disclose rebuttal expert witnesses by July 20, 2021; conclude all
8 discovery by August 20, 2021; and file dispositive motions by October 5, 2021;

9 WHEREAS, on April 28, 2021, Plaintiffs filed a Motion to Drop Plaintiff Esteban Narez
10 under Federal Rule of Civil Procedure 21 ("Rule 21 Motion"), which is noticed for a hearing on
11 June 8, 2021, and Defendants intend to oppose the Rule 21 Motion;

12 WHEREAS, Defendants seek to take the deposition of plaintiff Esteban Narez and on
13 April 28, 2021, Plaintiffs filed a Motion for Protective Order Against Party Discovery to
14 Withdraw Plaintiff Esteban Narez, which is noticed for a hearing on June 9, 2021;

15 WHEREAS, the Parties agree that resolution of Plaintiffs' Rule 21 Motion and Motion for
16 Protective Order could impact discovery, including the nature and timing of written discovery,
17 depositions, third-party discovery, and expert disclosures;

18 WHEREAS, the Parties agree that an extension to the discovery schedule in this matter is
19 warranted, and that an extension of all deadlines by 8 weeks would not prejudice any of the
20 Parties;

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

22 1. With the Court's approval, the Amended Scheduling Order (ECF No. 35) shall be
23 further amended as set forth below.

24 2. MOTION HEARINGS SCHEDULES: All dispositive motions shall be filed by
25 **November 30, 2021**. Hearing on such motions shall be set by the Court.

26 3. DISCOVERY: All discovery shall be completed by **October 15, 2021**.

27 4. DISCLOSURE OF EXPERT WITNESSES: The parties shall make expert witness
28 disclosures under Fed. R. Civ. P. 26(a)(2) by **August 13, 2021**. Supplemental disclosure and

1 disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by **September**
2 **14, 2021.**

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

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Dated: April 30, 2021

Respectfully submitted,

INSTITUTE FOR JUSTICE

/s/ Keith Diggs

KEITH DIGGS
Attorney for Plaintiffs

Dated: April 30, 2021

ROB BONTA
Attorney General of California
HEATHER B. HOESTEREY
Supervising Deputy Attorney General
CHAD A. STEGEMAN
Deputy Attorney General

/s/ P. Patty Li

P. PATTY LI
Deputy Attorney General
Attorneys for Defendants

1 **ORDER**

2 HAVING CONSIDERED THE STIPULATION OF THE PARTIES, AND GOOD
3 CAUSE APPEARING, IT IS ORDERED THAT THE AMENDED SCHEDULING ORDER
4 (ECF NO. 35) IS FURTHER AMENDED AS FOLLOWS:

- 5 1. MOTION HEARINGS SCHEDULES: All dispositive motions shall be filed by
6 **November 30, 2021**. Hearing on such motions shall be on **January 11, 2022 at 1:30 PM**.
- 7 2. DISCOVERY: All discovery shall be completed by **October 15, 2021**.
- 8 3. DISCLOSURE OF EXPERT WITNESSES: The parties shall make expert witness
9 disclosures under Fed. R. Civ. P. 26(a)(2) by **August 13, 2021**. Supplemental disclosure and
10 disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by **September**
11 **14, 2021**.
- 12 4. FINAL PRE-TRIAL CONFERENCE: The final pre-trial conference is set for **March**
13 **4, 2022 at 10:00 AM**.
- 14 5. TRIAL SETTING: Jury trial in this matter is set for **April 25, 2022 at 9:00 AM**.

15
16 **IT IS SO ORDERED.**

17
18
19 DATED: May 3, 2021

/s/ John A. Mendez

20 THE HONORABLE JOHN A. MENDEZ
21 UNITED STATES DISTRICT COURT JUDGE