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16 Attorneys for Plaintiffs

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

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

21 Plaintiffs,

22 v.

23 KIMBERLY KIRCHMEYER, et al.,

24 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

26 Plaintiffs Pacific Coast Horseshoeing School, Inc., Bob Smith, and Esteban Narez
 27 (“Plaintiffs”), and Defendants Kimberly Kirchmeyer, in her official capacity as Director of
 28

1 Consumer Affairs; and Deborah Cochrane, in her official capacity as Chief of the Bureau for
2 Private Postsecondary Education (“Defendants,” and collectively with Plaintiffs, the “Parties”),
3 by and through their respective counsel, hereby stipulate and agree as follows:

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

6 WHEREAS, on March 3, 2021, per a stipulation by the Parties, the Court entered an order
7 amending that Scheduling Order (ECF No. 35);

8 WHEREAS, on May 4, 2021, per a stipulation by the Parties, the Court entered an order
9 further amending the Scheduling Order (ECF No. 40);

10 WHEREAS, under the currently operative case schedule, the Parties are to disclose expert
11 witnesses by August 13, 2021; disclose rebuttal expert witnesses by September 14, 2021;
12 conclude all discovery by October 15, 2021; and file dispositive motions by November 30, 2021;

13 WHEREAS, on April 28, 2021, Plaintiffs filed a Motion to Drop Plaintiff Esteban Narez
14 under Federal Rule of Civil Procedure 21 (“Rule 21 Motion”), as well as a Motion for Protective
15 Order Against Party Discovery (“Protective Order Motion”);

16 WHEREAS, the Court partially granted and partially denied the Protective Order Motion
17 on June 22, 2021 (ECF No. 48), and denied the Rule 21 Motion on June 29, 2021 (ECF No. 49);

18 WHEREAS, on July 12, 2021, Plaintiffs’ counsel filed a motion to withdraw as counsel
19 for Plaintiff Esteban Narez (“Motion to Withdraw,” ECF No. 51), which motion is set for a
20 hearing on September 28, 2021;

21 WHEREAS, per the Court’s order (ECF No. 48) on the Protective Order Motion,
22 Defendants have re-noticed the deposition of plaintiff Esteban Narez for July 28, 2021;

23 WHEREAS, given the need to resolve the Motion to Withdraw, the possibility of motion
24 practice regarding the discovery obligations of Plaintiff Esteban Narez, and the potential changes
25 to the operative pleading that might result, the Parties agree that an extension to the case schedule
26 of roughly 120 days is warranted and that such an extension would not prejudice any of the
27 Parties;

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

1 1. With the Court's approval, the previously established case schedule (ECF No. 40)
2 shall be amended as set forth below.

3 2. MOTION HEARINGS SCHEDULES: All dispositive motions shall be filed by
4 **March 30, 2022**. Hearing on such motions shall be set by the Court.

5 3. DISCOVERY: All discovery shall be completed by **February 11, 2022**.

6 4. DISCLOSURE OF EXPERT WITNESSES: The parties shall make expert witness
7 disclosures under Fed. R. Civ. P. 26(a)(2) by **December 10, 2021**. Supplemental disclosure and
8 disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by **January 12,**
9 **2022**.

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

12
13
14 Dated: July 23, 2021

Respectfully submitted,

INSTITUTE FOR JUSTICE

/s/ Samuel B. Gedge

Samuel B. Gedge
Attorney for Plaintiffs

15
16
17
18 Dated: July 23, 2021

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

/s/ P. Patty Li

P. PATTY LI
Deputy Attorney General
Attorneys for Defendants

ORDER

HAVING CONSIDERED THE STIPULATION OF THE PARTIES, AND GOOD CAUSE APPEARING, IT IS ORDERED THAT THE PREVIOUSLY ISSUED SCHEDULING ORDER (ECF NO. 40) IS FURTHER AMENDED AS FOLLOWS:

1. MOTION HEARINGS SCHEDULES: All dispositive motions shall be filed by **March 30, 2022**. Hearing on such motions shall be on **May 17, 2022 at 1:30 PM**.
2. DISCOVERY: All discovery shall be completed by **February 11, 2022**.
3. DISCLOSURE OF EXPERT WITNESSES: The parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2) by **December 10, 2021**. Supplemental disclosure and disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by **January 12, 2022**.
4. FINAL PRE-TRIAL CONFERENCE: The final pre-trial conference is set for **June 24, 2022 at 10:00 AM**.
5. TRIAL SETTING: Jury trial in this matter is set for **August 8, 2022 at 9:00 AM**.

IT IS SO ORDERED.

Dated: July 23, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE