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5 Attorney for Plaintiff,
 6 SAMUEL SALDANA

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

9 SAMUEL SALDANA

2:18-cv-00319-DJC-AC (PC)

10 vs.

**SECOND JOINT STIPULATION AND
 ORDER FOR EXPERT AND PRETRIAL
 DISCOVERY SCHEDULE**

11 SPEARMAN, et al.,

12 Defendant.

13 **TO THIS HONORABLE COURT:**

14 By and through their counsel, Plaintiff Samuel Saldana and Defendant hereby agree,
 15 stipulate, and respectfully request that this Honorable Court modify the current schedule for this
 16 litigation, as set forth in the Further Scheduling Order dated March 8, 2023 (ECF No. 105).

17 This Stipulation and request is made for the following reasons:

18 1. This is a prisoner civil rights case. Plaintiff, an inmate, is proceeding with the
 19 assistance of appointed pro bono counsel, Justin A. Palmer.

20 2. The March 8, 2023 Scheduling Order established the schedule for expert discovery
 21 and pretrial disclosures, pursuant to the stipulation of the parties. That Order set a deadline of serving
 22 expert disclosures on or before August 15, 2023. [ECF No. 105].

23 3. Since that time, Plaintiff’s counsel has attempted to identify various experts to render
 24 opinions on the issues in the case, including Plaintiff’s injuries. Each expert who has been consulted
 25 advises that Plaintiff would need to undergo a medical evaluation to prepare a comprehensive expert
 26 report, as required under FRCP 26. However, Plaintiff’s counsel has been unable to identify a
 27 medical doctor who feels comfortable with traveling to prison and evaluating the Plaintiff. As such,
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1 Plaintiff's counsel has not been able to prepare the required disclosures and report before the August
2 15, 2023 deadline.

3 4. Based on the foregoing, to facilitate trial preparation, avoid the unnecessary
4 expenditure of attorney and judicial resources, and permit the parties to complete remaining
5 discovery prior to trial.

6 WHEREFORE, IT IS HEREBY STIPULATED AND RESPECTFULLY REQUESTED
7 BY THE PARTIES that:

- 8 1. The parties shall serve expert disclosures on or before December 16, 2023. The deadline
9 for the completion of all expert discovery shall be January 28, 2024.
- 10 2. Plaintiff shall file and serve his pretrial statement and any motions necessary to obtain
11 the attendance of incarcerated witnesses at trial on or before February 14, 2024.
12 Defendant shall file his pretrial statement on or before February 27, 2024.
- 13 3. The trial in this case, previously set for February 5, 2024 is continued to August 19,
14 2024.

15
16 Dated: August 11, 2023

Respectfully Submitted,

FILER | PALMER, LLP

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19 By: _____ /s/
20 Justin A. Palmer
21 Attorneys for Plaintiff,
22 SAMUEL SALDANDA

23
24 Dated: August 11, 2023

Respectfully submitted,

25 ROB BONTA
26 Attorney General of California
27 JON S. ALLIN
28 Supervising Deputy Attorney General
/s/
MATTHEW ROSS WILSON
Deputy Attorney General
Attorneys for Defendant
Passwaters

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PURSUANT TO THE STIPULATION OF THE PARTIES, this Court hereby

ORDERS :

1. The parties shall serve expert disclosures on or before December 16, 2023. The deadline for the completion of all expert discovery shall be January 28, 2024.
2. Plaintiff shall file and serve his pretrial statement and any motions necessary to obtain the attendance of incarcerated witnesses at trial on or before February 14, 2024. Defendant shall file his pretrial statement on or before February 27, 2024.
3. The parties shall have their final pretrial conference on June 27, 2024 at 1:30 PM.
4. The parties shall have their jury trial on August 19, 2024 at 9:00 AM.
5. The parties are advised that the Court will entertain no further requests for modification of the pretrial scheduling order absent good cause.

Dated: August 16, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE