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and RONELL FOSTER, SR.

1
2 UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
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5 I.F., by and through her Next Friend,
6 SHASTA SKINNER, individually and as
7 successor-in-interest to Decedent RONELL
8 FOSTER; R.F., by and through his guardian
9 ad litem SHENA BATTEN, individually and
as successor-in-interest to Decedent
RONELL FOSTER; PAULA McGOWAN,
individually; and RONELL FOSTER, SR.

10 Plaintiffs,

11 vs.

12 CITY OF VALLEJO; a municipal
13 corporation; RYAN McMAHON, individually
14 as a Police Officer for the CITY OF
15 VALLEJO; and DOES 1-50, inclusive,
jointly and severally,

16 Defendants.
17

Case No: 2:18-cv-00673-JAM-CKD

**JOINT STATUS REPORT AND
STIPULATION AND ORDER**

18 On October 9, 2019, this Court entered an order staying discovery of this case
19 as to Defendant Officer Ryan McMahan while the District Attorney for the County of
20 Solano investigated the underlying case to determine whether to bring criminal
21 charges. This investigation was completed as of Friday, January 31, 2020, with the
22 District Attorney deciding not to prosecute Defendant Officer McMahan.

23 Pursuant to this Court's order, counsel for the City notified all parties on Monday,
24 February 3, 2020, regarding the District Attorney's decision. As such, the Plaintiffs now
25 seek to depose Officer McMahan, which is currently set for February 27, 2020.

26 Given the above, the parties respectfully request that, subject to the Court's
27 calendar, the Court modify the case management and trial dates for this matter as
28 follows:

<u>Case Event</u>	<u>Current Date</u>	<u>Proposed Date</u>
1. Expert disclosures	March 4, 2020	April 8, 2020
2. Rebuttal expert disclosures	March 25, 2020	April 22, 2020
3. Joint Statement summarizing all law and motion	April 20, 2020	May 11, 2020
4. Close of discovery	May 27, 2020	June 1, 2020
5. Filing of Dispositive Motions	June 30, 2020	UNCHANGED
6. Hearing on dispositive motions	July 28, 2020	UNCHANGED
7. Pretrial conference	October 16, 2020	UNCHANGED
8. Trial	December 7, 2020	UNCHANGED

Good Cause Regarding the Above Request:

Discovery as to Defendant McMahon was stayed until January 31, 2020 – the date of the DA’s investigation being concluded. Defendant McMahon’s deposition testimony is integral to the case, and the experts for all parties shall need his testimony to develop their respective opinions. Defendant McMahon’s deposition is now set for February 27, 2020, and under the current timelines for the case, there is not enough time for Defendant McMahon’s testimony to be transcribed with copies then provided to experts for review and to develop opinions. The parties agree that good cause exists to extend the deadlines as outlined above so as to be able to complete the necessary discovery in this action. These changes will not affect deadlines for dispositive motions or the pretrial conference and trial dates.

DATED: February 7, 2020

Respectfully submitted,

/s/ Timothy R. Smyth

TIMOTHY R. SMYTH
Deputy City Attorney
Attorney for Defendants

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DATED: February 7, 2020

/s/ Adante Pointer
Adante Pointer
Attorneys for Plaintiffs, R.F., Paula McGowan, and Ronell Foster, Sr.
Law Offices of John Burris

DATED: February 7, 2020

/s/ Michael Haddad
Michael Haddad
Attorneys for Plaintiff, I.F.
Haddad & Sherwin LLP

ORDER

Based on the parties' stipulation, and with good cause appearing therefore,
IT IS HEREBY ORDERED:
The case management and trial dates are continued as outlined in the chart above.

DATED: 2/10/2020

/s/ John A. Mendez
Hon. John A. Mendez
U. S. District Court Judge