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 6 Attorney for Plaintiff **CHRISTIAN REYES**

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

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 11 CHRISTIAN REYES,
 12 Plaintiff,
 13 vs.
 14 CITY OF FAIRFIELD, a municipal entity,
 ROBERT MURRAY, an individual, and
 15 DOES 1 through 10, inclusive,
 16 Defendants.

Case No.: 2:18-CV-00883-JAM-DB

**STIPULATION AND ORDER TO MODIFY
 STATUS (Pre-Trial Scheduling) ORDER**

 HONORABLE JOHN A. MENDEZ

1 **I. OFFER OF GOOD CAUSE FOR REQUESTED CONTINUANCE**

2 Defendants City of Fairfield and Robert Murray acting by and through their attorneys of
3 record, and Plaintiff Christian Reyes acting by and through his attorney of record, have met
4 and conferred regarding the Status (pre-trial scheduling) Order filed September 6, 2018
5 (Document 24) and last amended on March 5, 2019 (Document 32).

6 The Plaintiff's medical records have been requested and are needed by both counsel
7 for the Defendant and Plaintiff. The Plaintiff in this matter is *alleging* extensive injuries
8 rendering him a quadriplegic. On information and belief based on representations from his
9 client, Plaintiff's counsel represents Plaintiff has been hospitalized and since the last
10 modification to the pre-trial scheduling order generating new and recent medical records of
11 importance to both sides in this litigation. Plaintiff's counsel Both Plaintiff's counsel and
12 Defendant's counsel are presently awaiting receipt of outstanding and relevant medical
13 records of the Defendant. The receipt of *all* of Defendant's medical records and the opportunity
14 for the parties' respective experts to review those medical records prior their rendering of an
15 opinion and the taking of their expert depositions is imperative to counsel for both the Plaintiff
16 and the Defendants.

17 Both parties reasonably desire more time to take depositions and have those
18 depositions reviewed by their respective experts prior to the disclosure of expert witnesses'
19 opinions. Counsel have met and conferred about a deposition schedule given the present
20 expert disclosure deadline of August 2, 2019, and discovery cutoff date of September 20,
21 2019. Defendant's counsel, Dale Allen, has a preplanned vacation starting July 12, 2019,
22 returning to his office on August 5, 2019. Defendant Officer Robert Murray, a Police Officer
23 with the Fairfield Police Department, is presently on leave from duty under the Family Medical
24 Leave Act. Counsel for the Plaintiff has a preplanned vacation and various court appearances
25 on his calendar prior to the present discovery cutoff, including a civil jury trial in a personal
26 injury matter set to begin on August 20, 2019, in the California Superior Court, County of
27 Solano. As such, setting a deposition schedule prior to the disclosure of experts and the
28 present discovery cutoff date has significant obstacles. Both counsel for Plaintiff and

1 Defendant believe a modification of the pretrial scheduling order given the presently
2 outstanding medical records of the Plaintiff, their respective calendars, and Officer Murray's
3 being on Family Medical Leave is reasonable and appropriate so that their experts will have
4 enough time to review all medical records and depositions transcripts prior to rendering their
5 opinion for purposes of expert disclosure.

6 Based on the foregoing the parties believe the current pretrial schedule is impractical
7 and respectfully ask the court to approve the following requested stipulated orders.

8 **II. REQUESTED STIPULATED ORDERS**

9 The parties stipulate to and respectfully request the following modifications to the Status
10 (pre-trial scheduling) Order:

- 11 1. All discovery shall be completed by March 20, 2020.
- 12 2. The parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2) by
13 February 3, 2020. Supplemental disclosure and disclosure of any rebuttal experts under
14 Fed. R. Civ. P. 26(a)(2)(c) shall be made by February 18, 2020.
- 15 3. All dispositive motions shall be filed by April 21, 2019. Hearings on such motions shall
16 be on May 19, 2020, at 1:30 p.m.
- 17 4. The parties shall file with the court a joint pre-trial statement no later than July 17, 2020.
- 18 5. The final pre-trial conference is set for July 24, 2020 at 10:00 a.m.
- 19 6. Jury trial in this matter is set for September 14, 2020 at 9:00 a.m.

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1 Dated: 06/18/2019

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP

2 By: /s/ Dale Allen (06/18/2019)
3 Dale Allen
4 Attorney for Defendants

5 Dated: 06/18/2019

LAW OFFICES OF JUSTIN KIRK TABAYOYON

6
7 By: /s/ Justin Kirk Tabayoyon
8 Justin Kirk Tabayoyon
9 Attorney of Plaintiffs

10 **ELECTRONIC CASE FILING ATTESTATION**

11 I, Justin Kirk Tabayoyon, am the ECF user whose identification and password are being
12 used to file the foregoing documents. Pursuant to Civil Local Rule 131(e), I hereby that
13 concurrence in the filing of these documents has been obtained from each of its Signatories.
14

15 Dated: 06/18/2019

16 By: /s/ Justin Kirk Tabayoyon
17 Justin Kirk Tabayoyon

18 **ORDER**

19 Good cause appearing the Stipulation is SO ORDERED.
20

21 Dated: June 18, 2019

/s/ John A. Mendez

JOHN A. MENDEZ

22 United States District Court Judge
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