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6 CITY OF STOCKTON, STOCKTON POLICE DEPARTMENT,
ERIC JONES, KEVIN JAYE HACHLER, ERIC B. HOWARD,
7 MICHAEL GANDY, CONNER NELSON, and SGT. UNDERWOOD

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 FRANCISCO DUARTE AND)	Case No. 2:19-cv-00007-MCE-CKD
11 ALEJANDRO GUTIERREZ,)	
12 Plaintiffs,)	STIPULATION AND ORDER TO
13 vs.)	AMEND PRE-TRIAL
14 CITY OF STOCKTON, et al.,)	DISCOVERY/SCHEDULING ORDER
15 Defendants.)	AT DOC. 32
_____)	

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17 The coronavirus (COVID-19) pandemic has been declared a regional and national health
18 emergency.

19 Courts are necessarily reducing activities, limiting public access and delaying trials.

20 As of this stipulation numerous counties in California, including San Francisco, Alameda,
21 San Joaquin and Sacramento County, and the State of California have issued public health orders
22 pursuant to Cal. Health and Safety Code, § 120295, et seq. (*see e.g.*, Executive Order N-33-20,¹
Order of San Joaquin County Public Health Officer²) requiring the public to shelter in place.

23 Numerous non-essential businesses, including that of court reporters, have been ordered to
24 suspend operation.

25 Prior to the issuance of these public health orders the parties noticed depositions in this
26 matter. Plaintiffs' deposition for the Person Most Knowledgeable on behalf of defendant City of
27 Stockton on the operation and use of police body worn cameras, was originally calendared for

28 ¹ <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>

² <https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=32463>

March 24, 2020 and had been tentatively continued to April 21, 2020. Defendants' noticed depositions to complete the deposition of Plaintiff Alejandro Gutierrez and conduct the deposition of Plaintiff Francisco Duarte, originally calendared for March 26, 2020 were tentatively continued to April 23, 2020. Due to the continued imposition of shelter in place orders, closing of non-essential businesses and recommended social distancing to curb the spread of the COVID-19 pandemic, conducting these depositions is not reasonably practicable in light of these governmental health and safety orders.

Due to the COVID-19 pandemic, the parties previously had to extend the discovery deadlines in this matter. (*See* Docs. 31, 32.) In light of the foregoing and continued conditions due to the COVID-19 pandemic, the parties believe that there is good cause to extend all pretrial discovery by as follows for the purpose of completing the above depositions:

	CURRENT DEADLINE	MODIFIED DEADLINE
Non-Expert Discovery Cutoff	May 1, 2020	June 5, 2020
Expert Witness Disclosure	July 3, 2020	August 7, 2020
Rebuttal Witness Disclosure	July 31, 2020	September 4, 2020
Dispositive Motion Filing Deadline	October 2, 2020	November 6, 2020

Respectfully submitted

Dated: April 20, 2020

JOHN M. LUEBBERKE
CITY ATTORNEY

BY /s/ Jamil R. Ghannam
JAMIL GHANNAM
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NELSON, and SGT. UNDERWOOD

Dated: April 20, 2020

LAW OFFICE OF YOLANDA HUANG

By: /s/ Yolanda Huang as authorized April 20, 2020
YOLANDA HUANG
Attorneys for Plaintiffs
FRANCISCO DUARTE and ALEJANDRO
GUTIERREZ

1 **ORDER**

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3 Pursuant to the stipulation of the parties and finding good cause therefor, IT IS HEREBY
4 ORDERED that the scheduling order (Doc. 32) shall be modified as follows:

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	CURRENT DEADLINE	MODIFIED DEADLINE
6 Non-Expert Discovery	May 1, 2020	June 5, 2020
7 Cutoff		
8 Expert Witness Disclosure	July 3, 2020	August 7, 2020
9 Rebuttal Witness Disclosure	July 31, 2020	September 4, 2020
10 Dispositive Motion Filing	October 2, 2020	November 6, 2020
11 Deadline		

12 **IT IS SO ORDERED.**

13 **Dated: April 28, 2020**

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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