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19 UNITED STATES DISTRICT COURT
20 FOR THE EASTERN DISTRICT OF CALIFORNIA

21 **RONALD BENTLEY**, an individual, and
22 **BRIDGETT BENTLEY**, an individual,

23 Plaintiffs,

24 v.

25 **INTEGON NATIONAL INSURANCE**
26 **COMPANY**, a North Carolina corporation,
27 and **DOES 1-10**.

28 Defendants.

Case No. 2:20-cv-00625-KJM-DMC

**JOINT STIPULATION AND ORDER
MODIFYING SCHEDULING ORDER**

1 Plaintiffs Ronald and Brigitte Bentley (“Plaintiffs”) and Defendant Integon National Insurance
2 Company (“Defendant”) respectfully submit this Stipulation and Proposed Order to modify the current
3 scheduling order as it relates to expert discovery and the deadline for the Court to hear dispositive
4 motions in this matter.

5 **RECITALS**

6 WHEREAS, Plaintiffs filed their complaint in this action on March 23, 2020;

7 WHEREAS, Defendant filed its answer to the complaint on April 21, 2020;

8 WHEREAS, the Court issued its scheduling Order relating to deadlines for Rule 26
9 disclosures, including those relating to the disclosure of expert witnesses on August 7, 2020;

10 WHEREAS, the August 7, 2020 Order provided for the following deadlines relating to expert
11 witness disclosures and discovery and dispositive motions:

12 Exchange of initial lists of experts (FRCP 26(a)(2)(A) and (B)): November 12, 2021

13 Exchange of rebuttal experts: December 13, 2021

14 Dispositive motion hearing deadline: February 4, 2022

15 WHEREAS, due to a mistake and oversight on the part of Plaintiffs’ counsel due to multiple
16 trials occurring in other matters as well as an office move occurring over the weekend of November
17 12th through November 15th, Plaintiff was unable to participate in a mutual exchange of expert
18 witness lists by the initial deadline on November 12, 2021.

19 WHEREAS Plaintiffs’ counsel sought an accommodation from Defendant’s counsel to extend
20 the date for the expert witness exchange in order to correct the oversight and prevent prejudice to
21 Plaintiffs, while offering to agree to extend other deadlines as needed or requested by Defendant to
22 ensure no prejudice to Defendant as a result of any extension or delay in the exchange of expert
23 witness lists;

24 WHEREAS Defendant and Defendant’s counsel have agreed to extend the dates for exchange
25 of initial lists of experts for three weeks to December 3, 2021 and exchange of rebuttal experts for one
26 week to December 20, 2021.

1 WHEREAS it appears the Court is unavailable for a hearing on a dispositive motion on
2 February 4, 2022, the Parties agree to extend the deadline for the Court to hear a dispositive motion in
3 this case shall be extended for one week to February 11, 2022.

4 WHEREAS there is no trial date set in this matter and this is the first request of the Parties to
5 extend any of the deadlines set forth in the initial scheduling Order,

6 **STIPULATION**

7 THEREFORE, the Parties, by and through their respective counsel of record, agree and
8 stipulate to modify the scheduling Order as follows:

9	Deadline for exchange of initial expert witness lists (FRCP 26(a)(2)(A) and (B))	<u>December 3, 2021</u> (currently November 12, 2021)
10		
11	Deadline for exchange rebuttal expert witness lists	<u>December 20, 2021</u> (currently December 13, 2021)
12		
13	Deadline to have dispositive motions noticed and heard	<u>February 11, 2022</u> (currently February 4, 2022)
14		

15 All other deadlines set forth in the Court's August 7, 2020 Order shall remain.

16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

17
18 Date: 11/16/21

Kerley Schaffer LLP

19 /s/ Christopher Carling
20 Christopher Carling
Attorneys for Plaintiffs

21
22 Date: 11/16/21

Hayes Scott Bonino Ellingson et al.

23 /s/ Cherie M. Sutherland
24 Cherie M. Sutherland
Attorneys for Defendant

ORDER

Pursuant to the Parties' Stipulation and good cause appearing, the Order entered August 7, 2020 is revised as follows:

Deadline for exchange of initial expert witness lists (FRCP 26(a)(2)(A) and (B): December 3, 2021

Deadline for exchange rebuttal expert witness lists: December 20, 2021

Deadline to have dispositive motions noticed and heard: February 11, 2022

All other deadlines set forth in the Court's August 7, 2020 Order shall remain.

IT IS SO ORDERED.

Dated: November 19, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE