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Attorneys for Defendants

COUNTY OF SACRAMENTO, JIM SPURGEON and MICHAEL DANIELS

*Exempt from Filing Fees Pursuant to Government Code § 6103*UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIACHARLES HOUFF, individually, and as a
successor-in-interest to Decedent AMELIAN
HOUFF; OLIVIA EDWARDS, individually,
and as successor-in-interest to Decedent
AMELIAN HOUFF,

Plaintiff,

v.

CITY OF SACRAMENTO, a municipal
corporation; CITY OF SACRAMENTO
police officer MITCHELL BARRETT, in his
individual and official capacities as an
officer for the CITY OF SACRAMENTO;
CITY OF SACRAMENTO police sergeant
MICHAEL FRAZER, in his individual and
official capacities as an officer for the CITY
OF SACRAMENTO; CITY OF
SACRAMENTO police Lieutenant BRIAN
ELLIS, in his individual and official
capacities as an officer for the CITY OF
SACRAMENTO; COUNTY OF
SACRAMENTO, a municipal corporation;
COUNTY OF SACRAMENTO Sheriff's
Sergeant JIM SPURGEON, in his individual
and official capacities as a deputy for the

CASE NO. 2:22-CV-01150-MCE-JDP

**JOINT STIPULATION AND ORDER
REGARDING SCHEDULING ORDER**

Complaint Filed: 7/1/2022

1 COUNTY OF SACRAMENTO; COUNTY
2 OF SACRAMENTO Sheriff's Lieutenant
3 MICHAEL DANIELS, in his individual and
4 official capacities as a deputy for the
5 COUNTY OF SACRAMENTO; and DOES
6 1-50, inclusive, individually, jointly, and
7 severally,

8 Defendants.

9 Plaintiffs CHARLES HOUFF and OLIVIA EDWARDS ("Plaintiffs") and Defendants COUNTY
10 OF SACRAMENTO, JIM SPURGEON, MICHAEL DANIELS, CITY OF SACRAMENTO,
11 MITCHELL BARRET, MICHAEL FRAZER and BRIAN ELLIS ("Defendants") (Plaintiffs and
12 Defendants collectively referred to as the "parties"), by and through their respective counsels of record,
13 hereby stipulate as follows:

- 14 1. The parties entered into a Joint Stipulation on June 10, 2024, which was signed by the Court
15 and filed on June 13, 2024. (ECF No. 55.) In the Joint Stipulation, the parties agreed there
16 was good cause to allow Andrew Keegans' deposition to occur after the close of fact
17 discovery and within a reasonable time after August 29, 2024.¹ Andrew Keegans'
18 deposition was ordered to occur no later than October 1, 2024.
- 19 2. Defendant County of Sacramento noticed Andrew Keegans' deposition for a third time to
20 occur on September 3, 2024, which was the first day the parties were available after August
21 29, 2024. Andrew Keegans did not appear.
- 22 3. On September 4, 2024, Magistrate Judge Peterson's courtroom deputy informed Defendant
23 County of Sacramento that the earliest hearing date for a Motion to Compel Andrew
24 Keegans' deposition would be October 3, 2024. On September 16, 2024, Defendant County
25 of Sacramento filed a Motion to Compel Andrew Keegans' Deposition. The hearing is
26 currently set for October 3, 2024, at 10:00 a.m.
- 27 4. As such, despite the parties' best efforts and due diligence, the deposition of Andrew

28 ¹ The statute of limitations for any felony charges resulting from the subject incident expired on August 29, 2024. The parties agreed to take Andrew Keegans' deposition after that date so as not to run into any issues related to the Fifth Amendment to the United States Constitution.

1 Keegans will not occur prior to October 1, 2024. Given the above-mentioned circumstances
2 and the pending Motion to Compel, the parties agree that there is good cause to extend the
3 deadline by which to take Andrew Keegans' deposition to December 1, 2024.

4 5. All other deadlines shall remain unchanged.

5
6 **IT IS SO STIPULATED.**

7 Dated: 9/24/2024

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9
10 By: /s/ Megan N. Boelter
11 Carl L. Fessenden
12 William E. Camy
13 Megan N. Boelter
14 Attorneys for Defendants COUNTY OF
SACRAMENTO, MICHAEL DANIELS
and JIM SPURGEON

15 Date: 9/24/2024

LAW OFFICE OF JOHN L. BURRIS

16
17 By: /s/ Benjamin Nisenbaum
18 John Burris
19 Benjamin Nisenbaum
20 James Cook
Attorneys for Plaintiff CHARLES HOUFF

21 Date: 9/24/2024

BRYANT LAW GROUP

22
23 By: /s/ Ian Kelley
24 Ian Kelley
25 Paul Alaga
26 Attorneys for Plaintiff OLIVIA EDWARDS
27
28

1 Date: 9/24/2024

DEAN GAZZO ROISTACHER LLP

2
3 By: /s/ Aleries Lau

4 Mitchell Dean
5 Lee Roistacher
6 Aleries Lau
Attorneys for Defendant BRIAN ELLIS

7 Date: 9/24/2024

CITY OF SACRAMENTO

8
9 By: /s/ Sean D. Richmond

10 Sean D. Richmond
11 Kate D. L. Brosseau
Attorneys for Defendant CITY OF SACRAMENTO,
12 MITCHELL BARRET and MICHAEL FRAZER
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ORDER

The Court, having reviewed and considered the Parties' foregoing Stipulation, and finding good cause, hereby Orders as follows:

1. The deposition of Andrew Keegans must occur by December 1, 2024. Any discovery motions related thereto may also be brought at that time.
2. All other deadlines shall remain unchanged.

IT IS SO ORDERED.

DATED: September 25, 2024



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE