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16 GREGORY D. LEWIS; J. HALLOCK; K. MCGUYER; MATTHEW CATE

AND T.A. WOOD

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

22 RAYMOND J. MANZANILLO,

23 Plaintiff,

24 v.

25 GREGORY D. LEWIS, et al.,

26 Defendants.

Case No. 3:12-cv-05983-JST

27 **STIPULATION AND ~~PROPOSED~~**
ORDER MODIFYING EXPERT
DISCLOSURE DEADLINES

1 Plaintiff Raymond Manzanillo (“Plaintiff”) and Defendants N. Brown, Gregory D. Lewis, J.
2 Hallock, K. McGuyer, Matthew Cate, and T.A. Wood (“Defendants”) (collectively the “Parties”) by and
3 through their counsel hereby stipulate and jointly request the Court to modify certain deadlines in the
4 Scheduling Order issued on May 18, 2016 (Dkt. No. 199).

5 The current expert disclosure deadline is September 9, 2016. Plaintiff retained a psychiatric
6 expert to provide testimony about his emotional distress damages resulting from the incident described
7 in the First Amended Complaint. To provide that testimony, the expert must perform an evaluation of
8 Plaintiff, which is expected to last about eight hours. Plaintiff is currently incarcerated in Kern Valley
9 State Prison in Delano, California. Last week, the Litigation Coordinator for that prison informed
10 Plaintiff’s counsel that they did not have a room available for such an evaluation until September 19,
11 2016. As a result, given the current expert disclosure schedule, Plaintiff’s expert cannot evaluate
12 Plaintiff in time to draft a report to comply those deadlines.

13 The Parties agree that the upcoming summary judgment motions will not involve issues
14 regarding Plaintiff’s emotional distress damages, but may involve expert testimony regarding liability
15 issues. Plaintiff has retained an correctional practices expert that may provide testimony during the
16 summary judgment briefing. Plaintiff will be able to make a proper disclosure of this expert, along with
17 the corresponding report, in compliance with the current disclosure schedule.

18 To conserve resources and to allow Plaintiff’s psychiatric expert sufficient time to perform a
19 proper examination of Plaintiff, the Parties stipulate to defer disclosure of damages experts until after the
20 Court decides any dispositive motions, such as motions for summary judgment. Modifying the schedule
21 in this manner will allow the Parties to avoid any unnecessary expenditure of resources. The Parties also
22 stipulate to keep the current disclosure schedule for liability experts so that the Parties will have the
23 opportunity to have that information, take appropriate depositions, and make appropriate rebuttal
24 disclosures (if needed) prior to any summary judgment motions are filed. Accordingly, the Parties
25 request that damages expert disclosures be done on the following schedule: Disclosures due by
26 December 1, 2016, Rebuttal Disclosures due by December 15, 2016, and Expert Discovery Cut-off on
27 December 30, 2016.

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The Parties proposed the following modified schedule:

Event	Date
Fact discovery cut-off	September 3, 2016
Liability Expert disclosures	September 9, 2016
Liability Expert rebuttal	September 30, 2016
Liability Expert discovery cut-off	October 14, 2016
Deadline to file dispositive motions	October 21, 2016
Damages Expert disclosures	December 1, 2016
Damages Expert rebuttal	December 15, 2016
Damages Expert discovery cut-off	December 30, 2016
Pretrial conference statement due	January 10, 2017
Pretrial conference	January 19, 2017, at 2:00 p.m.
Trial	February 6, 2017, at 8:30 a.m.

IT IS SO STIPULATED.

DATED: August 31, 2016

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Michael A. Wahlander

Francis J. Ortman III
Aryeh M. Hersher
Jason M. Allen
Michael A. Wahlander

Attorneys for Plaintiff
RAYMOND J. MANZANILLO

1 DATED: August 31, 2016

Respectfully submitted,

2 MCNAMARA LAW FIRM

3
4 By: /s/ William Lee McCaslin

5 Peter Jon Hirsig
William Lee McCaslin

6 Attorneys for Defendant
7 N. BROWN

8 DATED: August 31, 2016

Respectfully submitted,

9 CALIFORNIA STATE ATTORNEY
10 GENERAL'S OFFICE

11
12 By: /s/ Michael James Quinn

13 Michael James Quinn

14 Attorneys for Defendants
15 GREGORY D. LEWIS; J. HALLOCK;
16 K. MCGUYER; MATTHEW CATE AND
17 T.A. WOOD
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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Michael A. Wahlander, attest that concurrence in the filing of this stipulation has been obtained from the signatories, William Lee McCaslin and Michael James Quinn, counsel for Defendants.

Executed this 31st day of August 2016, in San Francisco, CA.

/s/ Michael A. Wahlander
Michael A. Wahlander

~~PROPOSED~~ ORDER

Pursuant to the Parties' stipulation and good cause appearing, the Scheduling Order [ECF No. 199] is modified to reflect the dates set forth in the Parties' stipulation

IT IS SO ORDERED.

Dated: September 2, 2016

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