

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BARBARA STEIN and STUART STEIN,  
Plaintiffs,  
v.  
FARMERS INSURANCE COMPANY  
OF ARIZONA, *et al.*,  
Defendants.

Case No.: 3:19-cv-00410-DMS-AHG

**ORDER GRANTING JOINT  
MOTION RE DISCOVERY  
STIPULATIONS**

**[ECF No. 95]**

1 This matter comes before the Court on the parties' Joint Motion seeking Court  
2 approval of their discovery stipulations. ECF No. 95. Good cause appearing, and upon  
3 consultation with the District Judge, the Joint Motion is hereby **GRANTED**, as follows:

4 1. All documents produced in discovery need no further foundation established  
5 for their use at trial. The parties reserve objections as to hearsay, cumulative, prejudicial  
6 and as to exclusion orders resulting from motions *in limine*. As to all medical records,  
7 bills and claims files, the business records exception to the hearsay rule applies and  
8 overcomes any such objections. However, the parties reserve all other objections with  
9 respect to any of the medical records produced.

10 2. In light of the difficulties imposed by the COVID-19 pandemic, including  
11 the travel and stay-at-home restrictions recently re-imposed, fact and expert discovery  
12 may continue until **April 26, 2021**, the date currently set for the conclusion of expert  
13 discovery. "Completed" means that all discovery under Rules 30-36 of the Federal Rules  
14 of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient  
15 period of time in advance of the cut-off date, **so that it may be completed** by the cut-off  
16 date, taking into account the times for service, notice and response as set forth in the  
17 Federal Rules of Civil Procedure. **Counsel shall promptly and in good faith meet and**  
18 **confer with regard to all discovery disputes in compliance with Local Rule 26.1(a).**  
19 **A failure to comply in this regard will result in a waiver of a party's discovery issue.**  
20 **Absent an order of the court, no stipulation continuing or altering this requirement**  
21 **will be recognized by the court.** The Court expects counsel to make every effort to  
22 resolve all disputes without court intervention through the meet and confer process. If  
23 the parties reach an impasse on any discovery issue, the movant must e-mail chambers at  
24 [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) no later than 45 days after the date of service of the  
25 written discovery response that is in dispute, seeking a telephonic conference with the  
26 Court to discuss the discovery dispute. The email must include: (1) at least three proposed  
27 times mutually agreed upon by the parties for the telephonic conference; (2) a neutral  
28 statement of the dispute; and (3) one sentence describing (not arguing) each parties'

1 position. The movant must copy opposing counsel on the email. No discovery motion  
2 may be filed until the Court has conducted its pre-motion telephonic conference, unless  
3 the movant has obtained leave of Court. **All parties are ordered to read and to fully**  
4 **comply with the Chambers Rules of Magistrate Judge Allison H. Goddard.**

5 3. Notwithstanding the dates set for expert discovery, Defendant will have up to  
6 and including April 26, 2021, to undertake the neuropsychological medical  
7 examination/testing of Barbara and Stuart Stein. Plaintiffs and Defendant will produce their  
8 initial expert reports within 20 days of their examination. Further, expert report exchanges  
9 for any and all eye-related experts will be exchanged on the same schedule as for the  
10 neuropsychologists. Plaintiffs and Defendant will then have 20 days in which to depose  
11 said experts.

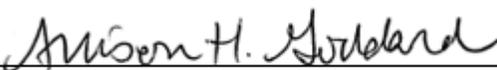
12 4. The testimony of any or all trial witnesses may be presented by  
13 contemporaneous transmission per FRCP 43, subject to approval of the District Judge.

14 5. Notwithstanding the fact discovery cut-off of February 7, 2021, and as a  
15 consequence of the parties' continuing efforts to produce the discoverable portions of the  
16 claims files not yet produced and to complete the depositions of the FICA claims  
17 representatives previously noticed, Plaintiffs will have up to and including  
18 February 28, 2021, to complete the depositions of Steve Wayant, Harold Kammeraad,  
19 Gary Payne and the FICA PMQ deposition.

20 6. *People v. Sanchez* (2016) 63 Cal. 4th 665, a state court ruling on a state court  
21 evidentiary issue interpreting California Evidence Code Section 801, shall not be the basis  
22 for any objection by any party as to the issues presented in this case.

23  
24 **IT IS SO ORDERED.**

25  
26 Dated: February 17, 2021

27   
28 \_\_\_\_\_  
Honorable Allison H. Goddard  
United States Magistrate Judge