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Attorneys for Plaintiff  
CHRISTINA PAULINE LOPEZ

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ISIAH MURRIETTA-GOLDING,  
Deceased, THROUGH HIS SUCCESSOR  
IN INTEREST CHRISTINA PAULINE  
LOPEZ; and CHRISTINE PAULINE  
LOPEZ, Individually,

Plaintiffs,

vs.

CITY OF FRESNO, a public entity, CITY  
OF FRESNO POLICE CHIEF JERRY  
DYER, SERGEANT RAY VILLALVAZO,  
individually, and DOES 3 through 10,  
Jointly and Severally,

Defendants.

No: 1:18-cv-00314-AWI-SKO

**STIPULATION AND ORDER TO MODIFY  
SCHEDULING ORDER**

(Doc. 33)

ISIAH MURRIETTA-GOLDING,  
Deceased, THROUGH HIS SUCCESSOR  
IN INTEREST ANTHONY GOLDING; and  
ANTHONY GOLDING, Individually,

Plaintiffs,

vs.

CITY OF FRESNO, et al.

Defendants

**Consolidated Case**

No: 1:18-cv-00332-AWI-SKO

All parties, by and through their counsel of record, stipulate and hereby move this court to modify its June 21, 2018, Scheduling Order (Doc. 22) to extend discovery and pretrial deadlines by approximately four months. The parties propose the following amended dates and deadlines (or as soon thereafter that the Court is available):

Event	Current date	Proposed Date or Deadline
Fact Discovery Cut-off	October 7, 2019	March 2, 2020
Expert Disclosures Deadline	October 28, 2019	February 17, 2020
Rebuttal Expert Disclosures Deadline	November 15, 2019	March 2, 2020
Expert Discovery Cut-off	December 10, 2019	April 3, 2020
Non-Dispositive Motions filing deadline	December 16, 2019	April 20, 2020
Non-Dispositive Motions hearing deadline	January 15, 2020	May 20, 2020
Dispositive Motion filing deadline	January 20, 2020	May 25, 2020
Dispositive Motion hearing deadline	March 2, 2020	July 6, 2020
Settlement Conference	December 3, 2019	UNCHANGED
Pre-Trial Conference	April 20, 2020	September 1, 2020
Trial	June 23, 2020	October 27, 2020

Good cause exists to grant the requested modification:

1. This is a civil rights/wrongful death case involving the shooting death of a 16-year-old boy against Defendant Sgt. Villalvazo, *Monell* and supervisory liability claims against the City of Fresno and its police chief, and related state law claims.

2. The parties so far have exchanged extensive written discovery and taken the depositions of both Plaintiffs, Defendant Sgt. Villalvazo, and Fresno Police Sergeant Hoagland on August 27 and 28, 2019.

1           3.       The parties have agreed that the discovery completed so far has adequately prepared  
2 them for an early mediation. However, the parties are mindful of the overcrowded Eastern District  
3 of California docket and the demands placed on Eastern District magistrate judges. To ease some of  
4 those constraints and to facilitate a full day, robust settlement discussion, the parties believe that this  
5 case is best suited to be resolved in private mediation.  
6

7           4.       To conserve the time and resources of the parties, the parties have agreed to postpone  
8 the completion of discovery until after the mediation. If ADR efforts are unsuccessful, Plaintiff's  
9 counsel anticipates needing to take additional depositions of FPD officers present during the  
10 incident, VPD personnel involved in related investigations and events before and after the incident,  
11 including Rule 30(b)(6) witnesses, and the police chief. The parties may also depose medical  
12 personnel who were at the scene and Decedent's treating physicians.  
13

14           5.       Additionally, while counsel for all parties are working cooperatively on discovery, it  
15 has been difficult to find dates when counsel for all three sets of parties are available for depositions  
16 in Fresno. Additional time for discovery would facilitate scheduling remaining discovery in an  
17 efficient and productive manner.

18           6.       The proposed modifications will allow the Parties to accommodate the schedules of  
19 all parties and deponents and to complete the numerous depositions contemplated without the time  
20 constraints under the present scheduling order. The proposed modifications will also avoid  
21 incurring possibly unnecessary attorneys' fees and costs that completing discovery by the current  
22 deadline would require.  
23

24           For the foregoing reasons, the Parties respectfully request that this Court enter an order  
25 extending the briefing schedule in this case as set forth above.  
26  
27  
28

1 IT IS SO STIPULATED

2  
3 DATED: September 6, 2019

HADDAD & SHERWIN LLP

4  
5 /s/ Teresa Allen

6 TERESA ALLEN

Attorneys for Plaintiff Christina Pauline Lopez

7  
8 DATED: September 6, 2019

STUART R. CHANDLER APC

9 /s/ Stuart R. Chandler

10 STUART R. CHANDLER

Attorneys for Plaintiff Anthony Golding

11  
12 DATED: September 6, 2019

FERGUSON, PRAET & SHERMAN, APC

13 /s/ Bruce D. Praet

14 BRUCE D. PRAET

Attorneys for Defendants

**ORDER**

Based on the parties' above stipulation (Doc. 33), and with good cause appearing therefor, IT IS HEREBY ORDERED that the previous Scheduling Order entered on June 21, 2018 (Doc. 22) is hereby modified, and that the following dates are set:

Event	New Date or Deadline
Fact Discovery Cut-off	March 2, 2020
Expert Disclosures Deadline	February 17, 2020
Rebuttal Expert Disclosures Deadline	March 2, 2020
Expert Discovery Cut-off	April 3, 2020
Non-Dispositive Motions filing deadline	April 20, 2020
Non-Dispositive Motions hearing deadline	May 20, 2020
Dispositive Motion filing deadline	May 26, 2020 <sup>1</sup>
Dispositive Motion hearing deadline	July 6, 2020
Settlement Conference	December 3, 2019 (unchanged)
Pre-Trial Conference	September 2, 2020 <sup>2</sup>
Trial	October 27, 2020

All other dates and aspects of the June 21, 2018 scheduling order shall remain in effect.

IT IS SO ORDERED.

Dated: **September 11, 2019**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Adjusted for the Memorial Day federal holiday.

<sup>2</sup> Adjusted to comport with Judge Ishii's pretrial conference calendar.