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12 **UNITED STATES DISTRICT COURT**

13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 JAMI LUCAS, et al.) CASE NO. 1:18-cv-01488-DAD-EPG
15 Plaintiffs,)
16 vs.) **STIPULATION TO ALLOW A
17 COUNTY OF FRESNO and JARED MULLIS,) SUPPLEMENTAL EXPERT REPORT
18 Defendants.) FOR STEPHANIE RIZZARDI ONLY
19) AFTER THE CLOSE OF EXPERT
20) DISCOVERY, IN LIEU OF PROVIDING
21) DEPOSITION TESTIMONY; ORDER
22)
23) Complaint Filed: October 26, 2018
24) Trial Date: August 2, 2022
25)
26)
27)
28)**

13 Counsel for plaintiffs (Jami Lucas; Oscar Gonzalez; Ashley Lucas; Gianna Lucas; E.L.,
14 a minor, by and through his Guardian Ad Litem, Jami Lucas; the Estate of Rodney Lucas, by
15 and through its representative, Jami Lucas; John Lucas, and Ruth Areias) and counsel for
16 defendants (County of Fresno and Jared Mullis) have stipulated to allow a supplemental report
17 by Stephanie Rizzardi, defendants' economist expert, to take place after the supplemental report
18 cutoff as set forth in the Scheduling Order (Doc. Nos. 32, 46, 50, 53). The current deadline for
19 expert discovery is October 29, 2021.

20 The parties have previously requested a modification of the scheduling order on three
21 prior occasions, two of which were granted due to issues relating to scheduling depositions of
22 witnesses who fell in high-risk categories during the early part of the Coronavirus (COVID-19)
23 pandemic prior to the availability of vaccines and to resolve a trial conflict. *See* Doc. Nos. 44,
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1 46, 47 & 50. The third request for deadline extensions was denied because the court found
2 good cause had not been provided for the requested extension. Doc. No. 53.

3 The parties have scheduled and are in the process of taking the depositions of each
4 party's experts. Plaintiffs' economist Robert Johnson was noticed for virtual deposition on
5 September 29, 2021. On the day of the deposition, Plaintiffs' counsel learned that they had
6 inadvertently failed to provide Mr. Johnson with certain materials. Accordingly, just prior to
7 the deposition, Plaintiffs' counsel cancelled and asked to reschedule Mr. Johnson's deposition.
8 Based on the schedule of Mr. Johnson and Plaintiffs' counsel, the soonest available date for Mr.
9 Johnson's continued deposition was and is October 27, 2021. This is only two days prior to the
10 original date scheduled for Ms. Rizzardi's deposition, October 29, 2021.

11 Because Ms. Rizzardi is rebutting Mr. Johnson's opinions, and should ideally have an
12 opportunity to receive and review the transcript of Mr. Johnson's testimony so she can respond
13 to his opinions, and because the need to reschedule Mr. Johnson's deposition was due to an
14 error on Plaintiffs' part, Plaintiffs offered to forego deposing Ms. Rizzardi. However, to avoid
15 any surprise at trial, Plaintiffs have requested that Ms. Rizzardi disclose any rebuttal opinions
16 that she would have offered at a deposition in a supplemental report after reviewing Mr.
17 Johnson's deposition testimony. The parties therefore stipulate and agree that Ms. Rizzardi
18 should be permitted to produce a supplemental expert report disclosing any new rebuttal
19 opinions up until November 29, 2021. The parties do not request the extension of any other
20 deadlines.

21 The parties do not anticipate that such an extension will affect any of the remaining
22 deadlines and do not request changes to any of the remaining deadlines.

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1 In light of the foregoing good cause, the parties hereby stipulate and jointly request that
2 the Court issue an order allowing Ms. Rizzardi to create a supplemental report rebutting the
3 opinions of Mr. Johnson up until and including November 29, 2021.

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5 Dated: October 27, 2021

WEAKLEY & ARENDT
A Professional Corporation

7 By: /s/ Brande L. Gustafson
8 James D. Weakley
9 Brande L. Gustafson
Attorneys for Defendant,
County of Fresno

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11 Dated: October 28, 2021

MCCORMICK BARSTOW ET AL LLP

12

13 By: /s/ Karen L. Lynch (As authorized on 10/28/21)
14 Gregory S. Mason
15 Karen L. Lynch
16 Attorneys for Defendant, Jared Mullis

17

18 Dated: October 28, 2021

WALKUP, MELODIA, KELLY &
SCHOENBERGER

19

20 By: /s/Sara M. Peters (As authorized on 10/28/21)
21 Khaldoun A. Baghadi
22 Sara M. Peters
23 Attorneys for Plaintiffs
Jami Lucas; Oscar Gonzalez; Ashley Lucas;
Gianna Lucas; E.L., a minor, by and through his
Guardian ad Litem, Jamie Lucas; and The Estate of
Rodney Lucas, by and through its representative,
Jami Lucas

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25 Dated: October 28, 2021

HADDAD & SHWERWIN, LLP

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27 By: /s/ Michael J. Haddad (As authorized on 10/28/21)
28 Michael J. Haddad
Teresa Allen
Attorneys for Plaintiffs
John Lucas and Ruth Areias

ORDER

Pursuant to the parties' stipulation (ECF No. 55), the Scheduling Order (ECF No. 32), as previously modified (ECF No. 46, 50), is further modified and the expert discovery cutoff is extended for the limited purpose of allowing Defendants' economist, Stephanie Rizzardi, to produce a supplemental expert report on or before November 29, 2021. All other terms and conditions of the Scheduling Order remain in full force and effect. No further extensions shall be granted absent good cause.

Additionally, the Court sets a Status Conference for **December 14, 2021, at 10:30 AM in Courtroom 10 (EPG)** before Magistrate Judge Erica P. Grosjean. At the conference, the parties should be prepared to discuss their desire and availability for a settlement conference prior to the Pretrial Conference. To participate telephonically, each party is directed to use the following dial-in number and passcode: 1-888-251-2909; passcode 1024453.

IT IS SO ORDERED.

Dated: **October 29, 2021**

Is/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE