

1 **Marc J. Victor, SBN 016064**  
2 **Jody L. Broaddus, SN 020122**  
3 ATTORNEYS FOR FREEDOM  
4 3185 South Price Road  
5 Chandler, Arizona 85248  
6 Phone: (480) 755-7110  
7 Fax: (480) 857-0150  
8 Marc@AttorneyForFreedom.com  
9 Jody@AttorneyForFreedom.com  
10 *Attorneys for Plaintiffs*

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **IN AND FOR THE DISTRICT OF ARIZONA**

13 Johnny Wheatcroft and Anya Chapman, as  
14 husband and wife, and on behalf of minors J.  
15 W. and B. W.,

Case No.: 2:18-cv-02347-SMB

16 Plaintiffs,

**PLAINTIFFS’ REPLY IN SUPPORT  
OF THEIR MOTION TO AMEND  
THE CASE MANAGEMENT ORDER  
(First Request)**

17 v.

18 City of Glendale, a municipal entity; Matt  
19 Schneider, in his official and individual  
20 capacities; Mark Lindsey, in his official and  
21 individual capacities; and Michael Fernandez,  
22 in his official and individual capacities;

23 Defendants.

24 Plaintiffs, by and through counsel undersigned, respectfully submit their Reply in Support  
25 of their Motion to Amend the Case Management Order.

26 In their response, Defendants state they “do not object to the extension of the expert  
deadlines,” but they request to extend Defendants’ expert deadline as well.<sup>1</sup> Plaintiffs have been  
diligently trying to prosecute this case, which includes trying take numerous depositions since  
February 2019 as well as trying to obtain information through written discovery requests. As set  
forth in Plaintiffs’ Motion [Doc. 50], Plaintiffs have experienced on-going issues with deposing

<sup>1</sup> See Defendants’ Response [Doc. 53] at p. 1, lines 20-22.

1 the Defendants and Defendant City of Glendale’s agents, which has significantly impeded  
2 Plaintiffs’ experts from formulating complete opinions. Defendants contend their deadline should  
3 similarly be extended because defense counsel has been busy with other matters. See Defendants’  
4 Response [Doc. 53] at p. 7, lines 8-22.

5 Defendants’ claim Plaintiffs did not comply with LRCiv 7.3. On April 1, 2010, Plaintiffs’  
6 counsel informed defense counsel on the need to schedule depositions to ensure sufficient time  
7 for Plaintiffs’ experts to review the depositions. See Plaintiffs’ Motion [Doc. 50] at Exhibit E.  
8 Thereafter, on July 12, 2019, Plaintiffs’ counsel informed Defendants of the on-going issues  
9 relating to scheduling depositions, which impacted Plaintiffs’ ability to comply with the expert  
10 disclosure deadline. See Plaintiffs’ Motion [Doc. 50] at Exhibit B. Over a week and a half later,  
11 on July 24, 2019, which is the date Plaintiffs filed their Motion [Doc. 50], defense counsel sent  
12 an email at 4:17 p.m. responding to Plaintiffs’ July 12, 2019 email, stating “we can discuss the  
13 expert disclosure dates and requesting an extension of them.” See Defendants’ Response [Doc.  
14 53] at Exhibit 1.

15 As demonstrated in their Motion and exhibits thereto [Doc. 50], Plaintiffs have been  
16 diligent in their attempts to take depositions, including taking the deposition of Defendant Matt  
17 Schneider, since February 2019, but their efforts to take depositions have been protracted. As  
18 such, an extension for disclosure expert opinions is requested.

19 Since the filing of their Motion [Doc. 50], depositions have been scheduled and, if they  
20 proceed as scheduled, the extension to December 30, 2019 would allow Plaintiffs’ expert time to  
21 review transcripts and render their opinions in this matter.

## 22 CONCLUSION

23 For the reasons set forth herein, Plaintiffs respectfully request the Case Management Order  
24 [Doc. 24] be amended to extend the deadline for Plaintiff’s disclosure of expert witnesses and  
25 opinions from September 30, 2019 to December 30, 2019.  
26

1 RESPECTFULLY SUBMITTED this 19th day of August, 2019.

2 ATTORNEYS FOR FREEDOM

3  
4 By: /s/ Jody L. Broaddus  
5 Jody L. Broaddus, Esq.  
6 Marc J. Victor, Esq.  
7 *Attorneys for Plaintiffs*

8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on this 19th day of August, 2019, I electronically transmitted the  
10 foregoing to the Clerk’s office using the CM/ECF system for filing and transmittal of a Notice of  
11 Electronic filing to the following registrants, and a copy was also sent by first class mail to:

12 Joseph J. Popolizio  
13 Justin M. Ackerman  
14 JONES, SKELTON & HOCHULI, P.L.C.  
15 40 North Central Avenue, Suite 2700  
16 Phoenix, Arizona 85004

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26 By: /s/ Alexandria Thompson