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11
12 **IN THE UNITED STATES DISTRICT COURT**
13
14 **IN AND FOR THE DISTRICT OF ARIZONA**

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

18 Plaintiffs,

19 v.

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

25 Defendants.

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

**STIPULATION TO AMEND THE
CASE MANAGEMENT ORDER
(Second Request)**

26 The parties, by and through counsel undersigned, jointly move to amend the Case Management Order [Doc. 24] and its subsequent Order [Doc. 55] and respectfully request the Court enter an Order adopting the proposed deadlines below. The parties affirm this request is not to delay this proceeding or for any improper purpose. The proposed deadlines extend the current deadlines approximately 120 days.

This case involves Plaintiffs' claims of various civil rights violations under 42 U.S.C. § 1983, gross negligence/intentional infliction of emotional distress, and loss of consortium against the Defendants. Defendants are contesting liability and damages. The parties have actively

1 engaged in written discovery and have conducted numerous depositions, which are still ongoing.
2 The parties have identified numerous witnesses in this case, and additional time is needed to
3 complete discovery, expert disclosures, and depositions of both fact and expert witnesses. For
4 various reasons, there have been delays in securing a deposition date for Defendant Matthew
5 Schneider, and his deposition is now scheduled for December 20. Given the delays, additional
6 time is needed to finalize depositions, obtain transcripts from the depositions, and provide the
7 transcript to experts to enable the experts to formulate their opinions. Given the current deadline
8 for expert disclosures, there is an insufficient amount of time for the experts to formulate their
9 opinions.

10 The parties respectfully stipulate and propose the following amendments to the Case
11 Management Order, with all other matters in the Case Management Order, including all subparts
12 and directives, remaining in effect. (The numbers paragraphs and selected text below are taken
13 from the current Case Management Order [Doc. 24] and subsequent Order [Doc. 55] with the
14 proposed amendments underlined, and in bold type-face.)

15 4. MIDP Supplemental Responses and Fact Discovery. The deadline for final
16 supplementation of MIDP responses and the completion of fact discovery, including discovery by
17 subpoena, shall be **June 26, 2020**.

18 5. Expert Disclosures and Discovery.

19 a. Plaintiff(s) shall provide full and complete expert disclosures, as required by
20 Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than, no later than **May 8,**
21 **2020**.

22 b. Defendant(s) shall provide full and complete expert disclosures, as required
23 by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than **June 5, 2020**.

24 c. Rebuttal expert disclosures, if any, shall be made no later than **August 21**
25 **2020**. Rebuttal experts shall be limited to responding to opinions stated by initial experts.
26

1 e. Expert depositions shall be completed no later than **October 16, 2020**.

2 7. Dispositive Motions.

3 a. Dispositive motions shall be filed no later than **November 13, 2020**.

4 8. Good Faith Settlement Talks.

5 All parties and their counsel shall meet in person and engage in good faith settlement
6 talks no later than **December 18, 2020**.

7 The parties further request the Trial Setting Conference be rescheduled to a date
8 approximately 120 days after the Trial Setting Conference presently scheduled for 9:00 a.m. on
9 June 26, 2020 with consideration to the Court’s availability.

10 Wherefore, the parties respectfully request an Order amending the Case Management
11 Order and adopting the parties’ proposed case deadlines.

12 RESPECTFULLY SUBMITTED this 12th day of December, 2019.

13 ATTORNEYS FOR FREEDOM

14
15 By: /s/ Jody L. Broaddus
16 Jody L. Broaddus, Esq.
17 Marc J. Victor, Esq.
18 *Attorneys for Plaintiffs*

19 JONES, SKELTON & HOCHULI, P.L.C

20 By: /s/ Joseph J. Popolizio
21 Joseph J. Popolizio
22 Justin M. Ackerman
23 *Attorneys for Defendants*

24 **CERTIFICATE OF SERVICE**

25 I hereby certify that on this 12th day of December, 2019, I electronically transmitted the
26 foregoing to the Clerk’s office using the CM/ECF system for filing and transmittal of a Notice
of Electronic filing to the following registrants, and a copy was also sent by first class mail to:

1 Joseph J. Popolizio
2 Justin M. Ackerman
3 JONES, SKELTON & HOCHULI, P.L.C.
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By: /s/ Alexandria Thompson