

1	Discovery Deadline (non-expert):	January 9, 2009
2	Expert Disclosure Deadline:	February 27, 2009
3	Rebuttal or Supplemental Expert Disclosure Deadline:	March 30, 2009
4	Discovery Deadline (expert):	May 8, 2009
5	Non-Dispositive Pre-Trial Motion Filing Deadline:	May 22, 2009
6	Settlement Conference:	June 4, 2009
7	Dispositive Pre-Trial Motion Filing Deadline:	June 9, 2009
8	Pre-Trial Conference Date:	August 17, 2009
9	Trial Date:	September 29, 2009

10 3. Plaintiffs and Defendants have engaged in some discovery, and in the
11 related case of *Allen v. Woodford, et al.*, Plaintiff served document subpoenas on Non-Party
12 employees of the state of California on May 24, 2007 and June 7, 2007. However a dispute
13 arose regarding whether the Non-Parties are required to produce the documents, or whether the
14 Eleventh Amendment immunizes the Non-Parties from having to respond to Ms. Allen's
15 subpoenas.

16 4. On February 20, 2008, the Court granted Plaintiff Allen's motion to
17 compel the Non-Parties to produce all responsive documents. On April 3, 2008, the Court issued
18 an order denying the Non-Parties' request for reconsideration of that ruling. On April 23, 2008,
19 the Non-Parties filed a Notice of Appeal to the United States Court of Appeals for the Ninth
20 Circuit (Document No. 228).

21 5. The appeal is currently pending before the Ninth Circuit. (Case No. 08-
22 016118). Based on the consolidation for purposes of discovery, to the extent any documents are
23 produced in the *Allen* case, those documents would also be useable in this case. Plaintiffs
24 contend that they cannot properly conduct discovery or prepare for trial until they know whether
25 they will receive the documents in issue. Plaintiffs further contend that any Defendants and
26 defense witnesses deposed while the appeal is pending would have to be deposed again if this
27 Court's order compelling production of the documents is affirmed and the documents are
28 produced. Defendants contend that if such documents are produced, Defendants are entitled to

1 an opportunity to question witnesses regarding the content of such documents, and thus
2 Defendants cannot complete discovery until it is known whether or not any documents will be
3 produced by the Non-Parties.

4 6. Therefore, in order to avoid unnecessary expense and duplicated effort, the
5 parties stipulate and request that the current trial date and deadlines be vacated and new dates
6 and deadlines be set as the following

7 Discovery Deadline (non-expert):	June 26, 2009
8 Expert Disclosure Deadline:	August 28, 2009
9 Rebuttal or Supplemental Expert Disclosure Deadline:	September 21, 2009
10 Discovery Deadline (expert):	October 23, 2009
11 Non-Dispositive Pre-Trial Motion Filing Deadline:	November 12, 2009
12 Dispositive Pre-Trial Motion Filing Deadline:	April 27, 2010
13 Mandatory Settlement Conference:	June 7, 2010
14 Pre-Trial Conference Date:	August 9, 2010
15 Trial Date:	September 14, 2010

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

DATED: December 17, 2008

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DATED: December 17, 2008

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1 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

2
3 DATED: 1/7/2009

/s/ OLIVER W. WANGER
The Honorable Oliver W. Wanger
United States District Court
Eastern District of California

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