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8 Attorneys for Defendant
9 CITY AND COUNTY OF SAN FRANCISCO

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

Case No. I:07-cv-01300-LJO/DLB

13 Plaintiff,

14 vs.
15 CITY AND COUNTY OF SAN
16 FRANCISCO, HETCH HETCHY
17 WATER AND POWER,
18 Defendant.

19

20 Plaintiff, the United States of America and Defendant City and County of San Francisco,
21 Hetch Hetchy Water and Power, by and through their respective counsel of record, hereby stipulate as
22 follows:

23 1. This stipulation is executed by all parties who have appeared in and are affected by
24 this action.

25 2. On August 26, 2008, the parties filed a stipulation and order to extend scheduling
26 order dates by 120 – 130 days (Document 14), which the Court signed on August 29, 2008.

27 3. On October 30, 2008 the parties filed a second stipulation and order to extend
28 scheduling order dates by 60 days (Document 19), which the Court signed on that same date.

Trial Date: February 16, 2010

1 4. At the time the parties filed the second stipulation, the City underestimated the amount
2 of time and effort necessary to comply with plaintiff's numerous and extensive discovery requests.
3 Since that time, the City and its counsel have made efforts to further comply with the outstanding
4 discovery. The parties have had multiple meet and confer conferences regarding a wide variety of
5 discovery issues, some of which are the subject of plaintiff's pending motion to compel. Because the
6 parties appear to have made substantial progress regarding these discovery matters, they have agreed
7 to extend that hearing from January 16, 2009 to a date on or about March 6, 2009 subject to the
8 Court's calendar (the agreement regarding the motion to compel will be memorialized in a separate
9 stipulation).

10 5. The City has also agreed to file amended discovery responses and, toward that end, is
11 in the process of obtaining additional responsive documents from the Public Utilities Commission
12 and its subcontractors. Given the large number of discovery requests in dispute, as well as the
13 number and type of documents that are potentially responsive to those requests, the parties will
14 require additional time for discovery, motions, and future settlement discussions. Specifically,
15 plaintiff's experts cannot complete their investigation and analysis without information that has not
16 yet been provided by the defendant. Also, the parties have agreed to return to mediation sometime in
17 2009.

18 6. Accordingly, the parties now jointly ask this Court to extend dates set in the
19 Scheduling Conference Order as stated below.

	<u>CURRENT DATE</u>	<u>NEW DATE REQUESTED</u>
21 Expert Disclosure:	March 20, 2009	July 20, 2009
22 Supplemental Expert Disclosure:	April 17, 2009	August 17, 2009
23 Nonexpert Discovery Cutoff:	April 17, 2009	August 17, 2009
24 Expert Discovery Cutoff:	June 19, 2009	October 19, 2009
25 Pretrial Motion Filing Deadline:	September 18, 2009	January 19, 2010
26 Pretrial Motion Hearing Deadline:	November 4, 2009	March 4, 2010
27 Settlement Conference	None set	none set

	<u>CURRENT DATE</u>	<u>NEW DATE REQUESTED</u>
2 Pretrial Conference:	December 10, 2009	April 5, 2010
3 Trial Date:	February 16, 2010	May 17, 2010

5 Respectfully submitted,

6 **FOR PLAINTIFF:**

7 Dated: January 13, 2009

LAWRENCE G. BROWN
8 Acting United States Attorney

9 By: /s/ Catherine Swann
10 CATHERINE J. SWANN
11 Assistant U.S. Attorney
12 Attorneys for Plaintiff
The United States
(original signature retained by counsel)

13 **FOR DEFENDANT:**

14 Dated: January 13, 2009

15 DENNIS J. HERRERA
16 City Attorney
17 JOANNE HOEPER
18 Chief Trial Deputy

19 By: /s/ MARK D. LIPTON
20 Deputy City Attorney
21 Attorneys for Defendant
22 City and County of San Francisco

23 **ORDER**

24 Based on this stipulation and good cause having been shown,

25 IT IS HEREBY ORDERED that the current Scheduling Order dates are continued, as follows:

	<u>CURRENT DATE</u>	<u>NEW DATE</u>
26 Expert Disclosure:	March 20, 2009	July 20, 2009
27 Supplemental Expert Disclosure:	April 17, 2009	August 17, 2009
28 Nonexpert Discovery Cutoff:	April 17, 2009	August 17, 2009
Expert Discovery Cutoff:	June 19, 2009	October 19, 2009

	<u>CURRENT DATE</u>	<u>NEW DATE</u>
2	Pretrial Motion Filing Deadline:	September 18, 2009
3	Pretrial Motion Hearing Deadline:	November 4, 2009
4	Settlement Conference	None set
5	Pretrial Conference:	December 10, 2009
6	Trial Date:	February 16, 2010

7

8

9 Dated: 16 January 2008

10

/s/ Dennis L. Beck
THE HONORABLE Dennis L. Beck
United States Magistrate Judge