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 9 TWAIN HARTE COMMUNITY SERVICES DISTRICT
 10 **PUBLIC ENTITY-FILING FEE WAIVED**

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA

13 YVONNE HILTON ,)	Case No. 1:12-CV-01360-LJO-SMS
)	
14 Plaintiff,)	STIPULATION AND DECLARATION;
)	ORDER RE DISCOVERY CUTOFF
15 vs.)	
)	
16 TWAIN HARTE COMMUNITY)	
17 SERVICES DISTRICT, and DOES ONE)	
18 THROUGH TWENTY, Inclusive,)	
)	
19 Defendants,)	
)	
)	

20 IT IS HEREBY STIPULATED by Plaintiff, YVONNE HILTON, by and through her
 21 attorneys, and Defendant, TWAIN HARTE COMMUNITY SERVICES DISTRICT, by and
 22 through its attorneys, that the September 20, 2013 discovery cut-off date set forth in the Court's
 23 December 7, 2012 scheduling conference order be continued to November 20, 2013 in order to
 24 allow the parties sufficient time to complete depositions in this matter. This stipulation is based
 25 upon the following facts which the parties submit show good cause to continue the discovery
 26 cut-off date:
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1 1. That on December 7, 2012 the Court established a non-expert discovery cut-off
2 date of September 20, 2013.

3 2. Since the initiation of this case the parties have engaged in extensive written
4 discovery including exchanges of written special interrogatories and requests for production of
5 documents. As a result, it is submitted that the parties have been diligent in regard to discovery
6 in this matter.
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8 3. That Plaintiff's counsel's office is located in Redwood City, California.
9 Defendant's counsel's office is located in Sacramento, California. The majority of witnesses in
10 this case (including the Plaintiff and percipient witnesses) are located in Twain Harte, California.
11 As a result, each deposition entails a significant amount of travel for both counsel and the
12 witnesses depending upon the location of the deposition. The parties have endeavored to take
13 depositions in Stockton, California which is a central location but the depositions in this matter
14 have entailed a significant amount of logistical wrangling.
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16 4. The Plaintiff's deposition was started on July 16, 2013 in Sacramento, California.
17 However, the Plaintiff's deposition was not completed and counsel for the parties agreed to
18 finish the Plaintiff's deposition on another date due to defense counsel's inability to arrange for
19 childcare in the evening.
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21 5. Mr. Scot Moody's deposition (noticed by the Plaintiff) was started on July 24,
22 2013. However, Mr. Moody's deposition was not completed on that date due to the witnesses'
23 inability to stay at the deposition into the evening. As a result, counsel for the parties agreed to
24 continue his deposition to a mutually agreeable date. Mr. Moody is an important witness to this
25 case because he is Defendant's former general manager and made the decision to terminate
26 Plaintiff's employment.
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1 6. The Plaintiff has noticed the deposition of Dennis Timoney for September 25,
2 2013. The parties agreed to a date outside the September 20, 2013 discovery cutoff in order to
3 accommodate Mr. Timoney's (and his attorney's) schedule and availability. Mr. Timoney is not
4 available for his deposition any earlier. Mr. Timoney is a chief risk officer for Special District
5 Risk Management Authority which is the Defendant's Joint Powers Authority for insurance
6 purposes. Mr. Timoney investigated certain aspects of Plaintiff's claim of gender discrimination
7 prior to the initiation of this lawsuit. Given Mr. Timoney's importance to the case, the parties
8 agreed to take his deposition outside the discovery cut-off in order to accommodate Mr.
9 Timoney's schedule.
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12 7. The parties have not completed the above-referenced depositions due to the press
13 of business of counsel and witness availability. Furthermore, Plaintiff's counsel has just
14 informed defense counsel that Plaintiff's counsel is about to undergo a major surgery which
15 could complicate the process of completing the above-described depositions.
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17 8. Richard Koss, co-counsel for Plaintiff, must undergo major surgery on October 2,
18 2013. He has been away from his office for the past several weeks due to testing related to the
19 upcoming surgery and will be unavailable for the next several weeks.
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21 Based upon the foregoing, the parties submit that good cause exists to continue the
22 discovery cutoff to November 20, 2013 because the above-described witnesses are crucial to
23 both parties' preparation of their case; because an amendment to the scheduling order will cause
24 no prejudice to either party since both parties have agreed to the continuance; and because the
25 adjustment of the discovery cutoff will not affect the other dates set by this Court and the trial
26 date will not need to be continued.
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1 Thus, the parties to this case have stipulated to continue the discovery cut-off of
2 September 20, 2013 to November 20, 2013.

3 IT IS SO STIPULATED.

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5 Dated: September 20, 2013

EVANS, WIECKOWSKI & WARD, LLP

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7 /s/ Daniel Jay

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JAMES K. WARD
DANIEL JAY
Attorneys for Defendant TWAIN HARTE
COMMUNITY SERVICES DISTRICT
LAW OFFICES OF RICHARD N. KOSS

Dated: September 20, 2013

/s/ Richard N. Koss

RICHARD N. KOSS
Attorney for Plaintiff YVONNE HILTON

DECLARATION OF DANIEL JAY

I, Daniel Jay, do hereby declare and say the following:

1. I am one of the attorneys of record for Defendant in the above-entitled action. I have prepared this Declaration as evidence in support of the parties' stipulation and request to this Court to continue the discovery cutoff date to November 20, 2013. The facts stated in the stipulation set forth above are true and correct and based upon my personal knowledge.

I declare under the penalty of perjury under the laws of the United States of America that the facts stated above in the stipulation of the parties is true and correct. This Declaration was executed on September 20, 2013 in Sacramento, California.

/s/ Daniel Jay

