

1 LATHAM & WATKINS LLP
James L. Day (Bar No. 197158)
2 Brian D. Berry (Bar No. 229893)
Brendan K. Kelleher (Bar No. 275883)
3 505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
4 Telephone: +1.415.391.0600
Facsimile: +1.415.395.8095
5 Email: jim.day@lw.com
Email: brian.berry@lw.com
6 Email: brendan.kelleher@lw.com

7 *Attorneys for Plaintiff Levon Graham*

8 Additional Counsel on Signature Block

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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SACRAMENTO DIVISION JUDICIAL DISTRICT

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LEVON GRAHAM,

CASE NO. CIV S-07-2291 LKK GGH P

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Plaintiff,

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v.

**STIPULATION AND [PROPOSED] ORDER
ESTABLISHING SCHEDULE FOR
PRETRIAL EXCHANGE OF EXPERT
REPORTS AND MODIFYING PRETRIAL
CONFERENCE DATE**

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D. L. RUNNELS, ET AL.,

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Defendants.

Complaint Filed: October 26, 2007
Trial Date: None

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1 **STIPULATION**

2 WHEREAS the Court, in its July 23, 2012 Further Scheduling Order, scheduled the final
3 pretrial conference in this case for January 10, 2013;

4 WHEREAS, pursuant to Local Rule 281, plaintiff’s pretrial statement currently is due to
5 be filed on December 27, 2012, and defendant’s pretrial statement and the joint statement of
6 plaintiff and defendant currently are due to be filed on January 3, 2013;

7 WHEREAS, defendant has designated new trial counsel who is scheduled to start trial on
8 January 7, 2013 in the matter of *Fratus v. Peterson* (E.D. Cal. No. 1:08-cv-1500 ROS) that will
9 prevent her from attending the pretrial conference on January 10, 2013;

10 WHEREAS, in addition, counsel for both plaintiff and defendant wish to establish a
11 pretrial schedule for the exchange of any expert reports and/or rebuttal expert reports in this case;

12 THEREFORE, the parties, through their respective counsel of record, hereby agree and
13 STIPULATE that:

- 14 1. The deadline to exchange any expert reports shall be Friday, October 26, 2012;
- 15 2. The deadline to exchange any rebuttal expert reports shall be Friday,
16 November 30, 2012;
- 17 3. The deadline for completion of any additional expert discovery, including
18 depositions, shall be Friday, December 28, 2012;
- 19 4. The deadline for filing all pretrial statements, including plaintiff’s, defendant’s,
20 and the joint statement, shall be Thursday, January 10, 2013; and
- 21 5. The final pretrial conference shall take place on Thursday, January 17, 2013.

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1 Dated: August 23, 2012

LATHAM & WATKINS LLP

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By: /s/ Brendan K. Kelleher

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Brendan K. Kelleher

Attorneys for Plaintiff Levon Graham

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6 Dated: August 23, 2012

KAMALA D. HARRIS

Attorney General of California

DAVID A. CARRASCO

Supervising Deputy Attorney General

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By: /s/ Diana Esquivel

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Diana Esquivel

Deputy Attorney General

Attorneys for Defendant A. Martin

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[PROPOSED] ORDER

The final pretrial conference currently scheduled for January 10, 2013, is hereby rescheduled for January 17, 2013. The deadline for all parties to file separate and joint pretrial statements is January 10, 2013. The deadline for the parties to exchange expert reports is October 26, 2012. The deadline for the parties to exchange any rebuttal expert reports is November 30, 2012. The deadline for completion of all expert discovery is December 28, 2012. The jury trial remains set for February 25, 2013, at 9:00 a.m.

IT IS SO ORDERED.

Dated: August 27, 2012

/s/ Gregory G. Hollows

Honorable Gregory G. Hollows