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 San Diego Chapter
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14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA

16 SACRAMENTO DIVISION

17 ASSOCIATED GENERAL CONTRACTORS
 OF AMERICA, SAN DIEGO CHAPTER, INC.,
 18 a nonprofit California corporation,

19 Plaintiff,

20 v.

21 CALIFORNIA DEPARTMENT OF
 TRANSPORTATION, et al.,

22 Defendants,

23 COALITION FOR ECONOMIC EQUITY and
 NATIONAL ASSOCIATION FOR THE
 24 ADVANCEMENT OF COLORED PEOPLE,
 SAN DIEGO CHAPTER,

25 Defendant-Intervenors.
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No. 2:09-cv-01622-JAM-GGH

**JOINT STIPULATION AND ORDER
 REGARDING TIMING OF EXPERT
 DISCOVERY**

Judge: Hon. John A. Mendez

1 WHEREAS, under the Court's Pre-trial Scheduling Order the parties must make expert
2 disclosures under Fed. R. Civ. P. 26(a)(2) by July 9, 2010; and

3 WHEREAS, the disclosures under Fed. R. Civ. P. 26(a)(2) must be accompanied by a
4 written report providing "a complete statement of all opinions the witness will express and the
5 basis and reasons for them" and "the data or other information considered by the witness in
6 forming them;" and

7 WHEREAS, under the Court's Pre-trial Scheduling Order "all discovery shall be
8 completed by September 3, 2010;" and

9 WHEREAS, the parties must complete fact discovery before their respective experts are
10 able to provide a written report providing a complete statement of all opinions and the basis and
11 reasons for them;

12 NOW, THEREFORE, Plaintiffs Associated General Contractors of America, San Diego
13 Chapter, Inc.; Defendants California Department of Transportation (Caltrans), Randell Iwasaki,
14 in his official capacity as Director of Caltrans, and Olivia Fonseca, individually, and in her
15 official capacity as Deputy Director of Caltrans; and Defendant-Intervenors Coalition for
16 Economic Equity, and the National Association for the Advancement of Colored People, San
17 Diego Chapter (collectively, "the Parties") hereby stipulate and respectfully request that the
18 Court approve the following amended schedule regarding expert disclosures and discovery;

19 1. The deadline for fact discovery shall remain September 3, 2010.

20 2. The Parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2)
21 by September 3, 2010.

22 3. Expert discovery shall be completed by October 1, 2010.

23 4. The Parties agree to negotiate, in good faith, a discovery schedule regarding the
24 timing of expert witness depositions, rebuttal expert witness disclosures, and rebuttal expert
25 witness depositions.

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1 DATED: July 6, 2010

By: /s/ Ralph W. Kasarda
Ralph W. Kasarda

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Attorneys for Plaintiff

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Pacific Legal Foundation

7 DATED: July 6, 2010

By: /s/ Mara E. Rosales
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Rosales Law Partners LLP

18 DATED: July 6, 2010

By: /s/ Sujal J. Shah
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Equal Justice Society

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American Civil Liberties Union Foundation of
Northern California

IT IS SO ORDERED, this 7th day of July, 2010.

/s/ John A. Mendez
John A. Mendez
United States District Judge