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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 AND
 MODIFICATIONS TO PRE-TRIAL
 SCHEDULING ORDER**

Judge: Hon. John A. Mendez

28 A/73467580.1/0999997-0000929484

1 WHEREAS, under the Court's July 7, 2010 Order the parties must make expert
2 disclosures under Fed. R. Civ. P. 26(a)(2) by September 3, 2010; and

3 WHEREAS, that Order also required the parties to complete expert discovery by
4 October 1, 2010; and

5 WHEREAS, the parties are unable to schedule multiple expert depositions, develop
6 rebuttal expert reports, and schedule multiple rebuttal expert depositions in the time allotted; and

7 WHEREAS, the timing for dispositive motions, the pre-trial conference, and the date for
8 the start of trial will need to be rescheduled if the parties are granted an extension for expert
9 discovery;

10 NOW, THEREFORE, Plaintiffs Associated General Contractors of America, San Diego
11 Chapter, Inc.; Defendants California Department of Transportation (Caltrans), Cindy Kim, in her
12 official capacity as Director of Caltrans, and Olivia Fonseca, individually, and in her official
13 capacity as Deputy Director of Caltrans; and Defendant-Intervenors Coalition for Economic
14 Equity, and the National Association for the Advancement of Colored People, San Diego
15 Chapter (collectively, "the Parties") hereby stipulate and respectfully request that the Court
16 approve the following amended schedule regarding expert disclosures and discovery and
17 modifications to the Status (Pretrial Scheduling) Order entered on August 27, 2009;

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

19 2. The Parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2)
20 by September 24, 2010.

21 3. The Parties shall make any supplemental disclosures or rebuttal expert witness
22 disclosures under Fed. R. Civ. P. 26(a)(2)(c) by October 29, 2010.

23 4. The Parties are relieved of any obligation under Fed. R. Civ. P. 26(a)(2)(B) to
24 disclose drafts of expert reports or rebuttal expert reports, and any such drafts shall not be
25 discoverable by any other party.

26 5. Expert discovery shall be completed by December 31, 2010.

27 6. All dispositive motions shall be filed by January 26, 2011. Hearing on such
28 motions shall be on March 23, 2011 at 9:30 a.m.

- 1 7. The Parties shall file a joint pre-trial statement by April 27, 2011.
2 8. The final pre-trial conference shall be set for May 4, 2011 at 3:00 p.m.
3 9. Jury trial in this matter shall be set for June 20, 2011 at 9:00 a.m. The Parties
4 estimate a trial length of approximately 10 days.

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6 DATED: August 18, 2010

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

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Attorneys for Plaintiff

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DATED: August 18, 2010

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By: /s/ Scott Emblidge
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