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12	Coalition for Economic Equity and National Associ for the Advancement of Colored People,	ation			
13	San Diego Chapter				
14	UNITED STATES DISTRICT COURT				
15	EASTERN DISTRICT OF CALIFORNIA				
16	SACRAMENTO DIVISION				
17	ASSOCIATED GENERAL CONTRACTORS	No. 2:09-cv-01622-JAM-GGH			
18	OF AMERICA, SAN DIEGO CHAPTER, INC., a nonprofit California corporation,	JOINT STIPULATION AND ORDER			
19	Plaintiff,	REGARDING DEPOSITIONS OF NON-PARTY WITNESSES AFTER			
20	V.	THE CLOSE OF FACT DISCOVERY			
21	CALIFORNIA DEPARTMENT OF TRANSPORTATION, et al.,	Judge: Hon. John A. Mendez			
22	Defendants,				
23	COALITION FOR ECONOMIC EQUITY and				
24	NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,				
25	SAN DIEGO CHAPTER,				
26	Defendant-Intervenors.				
20					
27 28	A /72 4 9 1 4 0 9 1				
20	A/73481698.1 JOINT STIPULATION REGARDING DEPOSITIONS OF NON-PARTY WITNESSES AFTER THE CLOSE				
	OF FACT DISC No. 2:09-cv-01622				

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1	WHEREAS, under the Court's August 18, 2010 Order, the deadline for fact discovery is		
2	September 3, 2010; and		
3	WHEREAS, Defendant-Intervenors issued deposition subpoenas on non-parties Tom		
4	Holsman and Sam Hassoun of Associated General Contractors of California to appear for		
5	deposition on August 26, 2010 and August 30, 2010, respectively; and		
6	WHEREAS, both Mr. Holsman and Mr. Hassoun are unavailable for deposition on the		
7	respective dates noticed for their depositions; and		
8	WHEREAS, Defendant-Intervenors made reasonable efforts to secure the depositions of		
9	Mr. Holsman and Mr. Hassoun before the deadline for fact discovery;		
10	WHEREAS, both Mr. Holsman and Mr. Hassoun are unable to schedule their deposition		
11	before September 3, 2010;		
12	NOW, THEREFORE, Plaintiffs Associated General Contractors of America, San Diego		
13	Chapter, Inc.; Defendants California Department of Transportation (Caltrans), Cindy Kim, in her		
14	official capacity as Director of Caltrans, and Olivia Fonseca, individually, and in her official		
15	capacity as Deputy Director of Caltrans; and Defendant-Intervenors Coalition for Economic		
16	Equity, and the National Association for the Advancement of Colored People, San Diego		
17	Chapter (collectively, "the Parties") hereby stipulate and respectfully request that the Court		
18	approve that the depositions of Mr. Holsman and Mr. Hassoun occur after the deadline for fact		
19	discovery;		
20	1. The deadline for fact discovery shall remain September 3, 2010.		
21	2. Notwithstanding the aforementioned deadline, the depositions of non-parties		
22	Mr. Holsman and Mr. Hassoun may be rescheduled for September 8, 2010.		
23	3. No party may object to the depositions of Mr. Holsman or Mr. Hassoun solely		
24	because they are scheduled after the deadline for fact discovery.		
25	4. The allowance of fact discovery after the September 3, 2010 cut-off date is		
26	limited to the depositions of non-parties Mr. Holsman and Mr. Hassoun.		
27	///		
28	///		
	A/73481698.1 1 JOINT STIPULATION REGARDING DEPOSITIONS OF NON-PARTY WITNESSES AFTER THE CLOSE		

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1	5. Nothing in this Stipulation and Order shall be construed as a waiver by the Parties		
2	of any objections they may make as to other discovery requests that call for fact-finding		
3	discovery to be completed beyond the factual discovery cut-off date of September 3, 2010.		
4	6. Nothing in this Stipulation and Order shall be construed as a waiver by the Parties		
5	of their right	, under Fed. R. Civ. P. 37, to move to compel discovery even if such motion is filed	
6	after the discovery cut-off date of September 3, 2010.		
7	DATED: August 24, 2010		
8		By:/s/ Ralph W. Kasarda	
9		Ralph W. Kasarda	
10		Attorneys for Plaintiff	
11		SHARON L. BROWNE (SBN 119246)	
12		RALPH W. KASARDA (SBN 205286) Pacific Legal Foundation	
13			
14	DATED: Au	ugust 24, 2010	
15		By:/s/ Scott Emblidge	
16		G. Scott Emblidge	
17		Attorneys for Defendants	
18		RONALD W. BEALS	
19		THOMAS C. FELLENZ DANIEL A NEAR	
20		KATHRYN T. PAPALIA (SBN 173472)	
21		State of California Legal Department	
22		MARA E. ROSALES (SBN 104844) BENJAMIN SCHNAYERSON (SBN 257857)	
23		Rosales Law Partners LLP	
24		G. SCOTT EMBLIDGE (SBN 121613)	
25		RACHEL J. SATER (SBN 147976) Moscone, Emblidge & Quadra LLP	
26			
27			
28			
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1	DATED: August 24, 2010	
2	By:/s/ Sujal J. Shah	
3	Sujal J. Shah	
4	Attorneys for Defendant-Intervenors	
5	MICHAEL I. BEGERT (SBN 141969)	
6	SUJAL J. SHAH (SBN 215230) CARLOS P. MIÑO (SBN 247022) Bingham McCutchen LLP	
7	OREN SELLSTROM (SBN 161074)	
8	Lawyers' Committee for Civil Rights	
9	EVA JEFFERSON PATERSON (SBN 67081)	
10	SARA JACKSON (SBN 251915)	
11	Equal Justice Society	
12	ALAN L. SCHLOSSER (SBN 49957)	
13	JORY C. STEELE (SBN 206944) American Civil Liberties Union Foundation of	
14	Northern California	
15		
16		
17	IT IS SO ORDERED, this 25 th day of August, 2010.	
17		
	/s/ John A. Mendez	
19	John A. Mendez	
20	United States District Judge	
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	JOINT STIPULATION REGARDING DEPOSITIONS OF NON-PARTY WITNESSES AFTER THE CLOSE OF FACT DISCOVERY	