

1 BINGHAM McCUTCHEN LLP
 MICHAEL I. BEGERT (SBN 141969)
 2 michael.begert@bingham.com
 SUJAL J. SHAH (SBN 215230)
 3 sujal.shah@bingham.com
 CARLOS P. MIÑO (SBN 247022)
 4 carlos.mino@bingham.com
 Three Embarcadero Center
 5 San Francisco, CA 94111-4067, U.S.A.
 Telephone: 415.393.2000
 6 Facsimile: 415.393.2286

7 LAWYERS' COMMITTEE FOR CIVIL RIGHTS
 OREN SELLSTROM (SBN 161074)
 8 131 Steuart Street, Suite 400
 San Francisco, CA 94105
 Telephone: (415) 543-9697
 9 Facsimile: (415) 543-0296
 Email: osellstrom@lccr.com

10 *[Additional Counsel listed on signature pages.]*

11 Attorneys for Defendant-Intervenors
 Coalition for Economic Equity and National Association
 12 for the Advancement of Colored People,
 San Diego Chapter
 13

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.
 26

No. 2:09-cv-01622-JAM-GGH

**JOINT STIPULATION AND ORDER
 REGARDING DEPOSITIONS OF
 NON-PARTY WITNESSES AFTER
 THE CLOSE OF FACT DISCOVERY**

Judge: Hon. John A. Mendez

28 A/73481698.1

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 depositions
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 ///

1 DATED: August 24, 2010

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Sujal J. Shah
Sujal J. Shah

Attorneys for Defendant-Intervenors
MICHAEL I. BEGERT (SBN 141969)
SUJAL J. SHAH (SBN 215230)
CARLOS P. MIÑO (SBN 247022)
Bingham McCutchen LLP

OREN SELLSTROM (SBN 161074)
Lawyers' Committee for Civil Rights

EVA JEFFERSON PATERSON (SBN 67081)
SARA JACKSON (SBN 251915)
Equal Justice Society

ALAN L. SCHLOSSER (SBN 49957)
JORY C. STEELE (SBN 206944)
American Civil Liberties Union Foundation of
Northern California

IT IS SO ORDERED, this 25th day of August, 2010.

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