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18 UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF CALIFORNIA

20 JERRY LUM, etc., et al.,)	NO. 2:10-CV-01807-LKK-DAD
21 Plaintiffs,)	STIPULATION AND ORDER
22 v.)	EXTENDING DISCOVERY
23 COUNTY OF SAN JOAQUIN, et al.,)	DEADLINE TO COMPLETE
24 Defendants.)	SPECIFIC DEPOSITIONS
)	[F.R.C.P. 16(b)(4)]
)	[No hearing required]

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1 This stipulation and proposed order is entered into between Plaintiffs Jerry
2 Lum and Dorothea Timmons (collectively "Plaintiffs"), on the one hand, and Defendants
3 County of San Joaquin, City of Lathrop, Ray Walters, Steven Pease, Robert Davis, and
4 Felipe Mendoza (collectively "Defendants"), on the other hand.

5 RECITALS

6 A. On October 31, 2012, the Court granted a prior stipulation entered
7 into between the parties extending the discovery cut-off date from December 31, 2012
8 to January 31, 2012.

9 B. Plaintiffs have conducted nine depositions. Plaintiffs have noticed
10 the depositions of six of defendants' expert witnesses, all of which are scheduled to be
11 conducted between January 17 and January 27, 2012.

12 C. Defendants have conducted eight depositions, including the
13 depositions of two of plaintiffs' four expert witnesses. In addition, Defendants have
14 noticed the depositions of another seven percipient witnesses scheduled to be
15 conducted by January 23, 2012.

16 D. Plaintiffs timely disclosed Charles Saldanha, M.D. as their expert in
17 the area of psychology/psychiatry. Dr. Saldanha's deposition was initially scheduled to
18 be conducted on January 6, 2012. On January 5, 2012, due to plaintiffs' counsel's
19 unexpected illness, the parties were forced to cancel Dr. Saldanha's deposition last
20 minute. Due to the last-minute cancellation and Dr. Saldanha's limited availability for
21 the remainder of January, the parties are having great difficulties finding a mutually-
22 agreeable date, prior to the January 31, 2012 discovery cut-off, within which to depose
23 Dr. Saldanha.

24 E. Plaintiffs timely disclosed M. Patricia Fisher as their handwriting
25 expert; however, due to a late-resolution of the parties' disagreements regarding
26 plaintiffs' access to certain original documents within the possession, custody and
27 control of the San Joaquin Sheriff's Department, Ms. Fisher was unable, until the
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1 afternoon of December 30, 2011, to access documents necessary to formulating her
2 expert opinions in the case. Since then, in light of the parties' already full deposition
3 schedule in January, and Ms. Fisher's limited availability, the parties are having
4 difficulties finding a mutually agreeable date, prior to the January 31, 2012 discovery
5 cut-off, within which to depose Ms. Fisher.

6 F. Despite great effort, Defendants have had significant difficulty in
7 locating and serving a deposition subpoena on Andrew Lum. Andrew Lum is the brother
8 of decedent Jeremy Lum and was disclosed in plaintiffs' initial disclosures as having
9 information pertaining to events leading up to Jeremy Lum's arrest. Defendants wish to
10 depose Andrew Lum.

11 G. The parties have agreed that, given the above delays, in light of
12 the diligent efforts made by both sides to complete discovery, the discovery cut-off date
13 for defendants to conduct the depositions of Charles Saldanha, M.D., M. Patricia Fisher,
14 and Andrew Lum should be extended to February 29, 2012, to give defendants the
15 necessary time to complete their discovery.

16 H. This extension is only sought for purposes of completing these
17 three specific depositions. The parties are not requesting that any other deadline be
18 modified.

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STIPULATION

IT IS STIPULATED AND AGREED, by the parties, through their counsel of record, that the discovery cut-off be extended to February 29, 2012, only to allow defendants to conduct and complete the depositions of Charles Saldanha, M.D., M. Patricia Fisher, and Andrew Lum.

Dated: January 13, 2012

THE SUNTAG LAW FIRM
A Professional Corporation

By: /s/ Dana A. Suntag
DANA A. SUNTAG
Attorneys for All Defendants

Dated: January 13, 2012

WALKER, HAMILTON & KOENIG LLP


By: /s/ Peter J. Koenig
PETER J. KOENIG
Attorneys for All Plaintiffs

ORDER

The parties are free to stipulate among themselves concerning the timing of depositions. However, the court will not enforce any such agreements. The motion to extend the discovery deadline is DENIED.

It is so ordered.

Dated: January 20, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT