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12 TIMOTHY DAGE

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 SACRAMENTO DIVISION

16 LEON GRAY,
17 Plaintiff,
18 v.
19 TIMOTHY DAGE,
20 Defendant.

Case No.: 2:10-cv-01928 TLN-EFB

**STIPULATION [AND PROPOSED
ORDER] TO EXTEND DISCOVERY
DEADLINE TO COMPLETE
DEPOSITION OF PLAINTIFF'S
EXPERT, DR. ADLER**

21 The parties, by and through their respective counsel, stipulate as follows:

22 **RECITALS**

23 1. On July 24, 2014, this Court granted Defendant's motion to compel the deposition of
24 plaintiff's expert, Dr. Adler, and ordered that the deposition be completed by October 21, 2014.

(ECF No. 110.)

25 2. On October 7, the Court entered its order setting a "reasonable" fee for Dr. Adler's
26 preparation for and testimony at deposition. (ECF No. 118.)

27 3. On December 12, 2014, Plaintiff's former counsel, Robert Kitay, filed a Notice of
28 Attorney Suspension. (ECF No. 121.)

1 4. On December 22, 2014, Defendant filed a Second Ex Parte Application to Modify
2 Court Order to Extend Discovery Deadline to Complete Deposition of Dr. Adler. As set forth therein,
3 Defendant attempted to obtain a mutually convenient date for the deposition of plaintiff's expert.
4 Emails and letters were sent and telephone calls were made. However, Plaintiff failed to respond to
5 Defendant's inquiries. A notice of subpoena regarding Dr. Adler's deposition was served on
6 December 10, 2014. Two days later, plaintiff filed a Notice of Attorney Suspension indicating that
7 counsel's license to practice has been suspended for at least six months.

8 5. On April 30, 2015, the Court approved the substitution of Mr. Gray as Plaintiff pro se.
9 (ECF No. 124.)

10 6. On May 4, 2015, the Court issued its Order Granting Defendant's Second Ex Parte
11 Application whereby Dr. Adler's deposition was to be completed by June 22, 2015, or within 120
12 days of written notice that plaintiff's counsel's license to practice is in good standing. (ECF No.
13 125.) Plaintiff's counsel has never filed or served any such notice.

14 7. On May 4, 2015, the Court construed Mr. Kitay's notice of attorney suspension as a
15 motion to withdraw and granted the motion. Plaintiff was ordered to either have new counsel file an
16 appearance or file an appearance pro se. (ECF No. 126.)

17 8. On May 14, 2015, Plaintiff wrote a letter to the court requesting the appointment of a
18 public defender. (ECF No. 127.)

19 9. On June 10, 2015, the Court deemed Plaintiff's letter as a motion to appoint counsel
20 and granted it. James V. Weixel, Jr. was appointed as counsel. (ECF No. 128.)

21 10. On June 19, 2015, counsel for Defendant contacted Plaintiff's newly appointed
22 counsel, James V. Weixel, Jr. by telephone to discuss the deadline to depose Dr. Adler and the status
23 of the case.

24 11. Plaintiff's counsel has not yet had an opportunity to complete his review of the file.
25 He has not had an opportunity to contact Plaintiff's retained experts. He has a pre-planned vacation
26 beginning June 20th.

27 12. The parties respectfully request that this Court extend the deadline to complete the
28 deposition of Dr. Adler for sixty days or August 18, 2015.

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IT IS SO STIPULATED.

Dated: June 19, 2015

ANDRADA & ASSOCIATES

/s/ Lynne G. Stocker

By _____
LYNNE G. STOCKER
Attorneys for Defendant
TIMOTHY DAGE

Dated: June 19, 2015

WEIXEL LAW OFFICE

By signature on original
James V. Weixel, Jr.
Attorney for Plaintiff LEON GRAY

I attest that James V. Weixel, Jr. has authorized me to file this document with his electronic signature.

/s/ Lynne G. Stocker

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.

Dated: June 22, 2015



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE