

Thimesch Law Offices

TIMOTHY S. THIMESCH, ESQ. (No. 148213)
158 Hilltop Crescent
Walnut Creek, CA 94597
Direct: (925) 588-0401
Facsimile: (888) 210-8868
tim@thimeschlaw.com
genefarber@gmail.com

Attorney for Plaintiff HOLLYNN D'LIL

CHARLES L. POST, State Bar No. 160443
weintraub tobin chediak coleman grodin
LAW CORPORATION
400 Capitol Mall, 11th Floor
Sacramento, CA 95814
(916) 558-6000 - Main
(916) 446-1611 - Facsimile
Email: cpost@weintraub.com

Attorneys for Defendant
RIVERBOAT DELTA KING, INC.

James Sanchez, City Attorney (SBN 116356)
KATHLEEN T. ROGAN, Senior Deputy City Attorney (SBN 186055)
CITY OF SACRAMENTO
Mailing: P.O. Box 1948, Sacramento, CA 95812-1948
Office: 915 I Street, 4th Floor, Sacramento, CA 95814
Telephone: (916) 808-5346
Telecopier: (916) 808-7455
Email: KRogan@cityofsacramento.org

Attorneys for Defendant CITY OF SACRAMENTO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HOLLYNN D'LIL,

Plaintiff,

CASE NO. 2:11-CV-02230-WBS-AC
Civil Rights

v.

**STATUS AND STIPULATION AND
[Proposed] ORDER TO EXTEND
EXPERT DISCLOSURE AND DISCOVERY
DATES**

RIVERBOAT DELTA KING, INC.;
CITY OF SACRAMENTO; OLD
SACRAMENTO BUSINESS
ASSOCIATION, INC.,

Defendants.

TO THE COURT:

This submission is made following the May 15, 2013 Order by
the Hon. Allison Claire declining a joint request to extend
interim discovery and expert disclosure deadlines because of
"concern[] that these proposed dates are now encroaching too

1 closely to the dates set forth in the ...pretrial scheduling
2 order..." However, Judge Claire granted leave to resubmit
3 directly to this court. (ECF No. 42 at p. 2.)

4 To avoid this encroachment while gaining time necessary to
5 conduct remaining essential discovery, the Parties re-submit
6 this final request for an extension of all trial and trial
7 related deadlines. The Parties submit there is substantial good
8 cause for this further but final continuance of the scheduling
9 order in this matter. While the Parties continue to cooperate
10 in seeking a resolution short of trial, they are in the process
11 of completing essential discovery in the case. That discovery
12 concerns the construction and permit history of the conversion
13 of on a historical riverboat to a hotel. The conversion occurred
14 in the early to mid 1980's. One of the several significant
15 contested issues in the case is whether the conversion complied
16 with or deviated from the California Building Code, and whether
17 such deviations, if any, were properly authorized by the
18 appropriate authorities. The search for records or testimony
19 concerning the conversion of the vessel to a floating hotel has
20 been complicated by the passage of time and the fact that
21 records that defendants believe exist have not yet been found.
22 These records and testimony will likely form the basis of the
23 alleged legal obligations at issue in the case. Whether or not
24 Plaintiff ends up contesting the existence of these records,
25 their absence has necessitated an extensive search for, and
26 discovery of, persons involved in the project in the early to
27 mid 1980's. Many of these witnesses or potential witnesses long
ago retired from employment with the City and/or have moved out

of state. Their testimony is critical to presentation of the issues. The existence or nonexistence of these records is also likely to critical to expert testimony. The conclusions experts may draw will likely vary depending upon the state of the evidence of the vessel's construction and permit history. Recently, Plaintiff took the deposition of Solon "Doc" Wisham, who served in the City Manager's office in the 1980's. That deposition has made clear the need for further discovery of City Building Department personnel. The parties are now working to arrange the deposition of Tim Sullivan, a retired City Building department employee. The parties understand and believe that Mr. Sullivan's testimony will be important to a full understanding of the vessel's history. This stipulation seeks the minimum reasonable extension of time for this critical discovery to occur. Therefore, the Parties respectfully request a final 60-Day extension of trial and pre-trial related dates as follows:

Deadlines and Dates	Current	Proposed
Completion of Discovery and Motions Related Thereto	June 5, 2013	August 5, 2013
Expert Disclosures With Reports	June 15, 2013	August 15, 2013
Rebuttal Expert Disclosures With Reports (Modified From FRCP Rule)	June 25, 2013	August 26, 2013
Completion of Discovery From Experts and Discovery Motions Related Thereto	July 15, 2013	Sept. 16, 2013

1 File all motions except
2 continuances and
TROs

Sept. 6, 2013

Nov. 6, 2013

3 File Separate Pretrial
4 Conf. Statements

Plaintiff:
Nov. 12, 2013
Defendant:
Nov. 18, 2013

Plaintiff:
Jan. 13, 2014
Defendant:
Jan. 21, 2014

6 Final Pretrial Conference

Nov. 25, 2013,
2 PM

February 3, 2014
2:00 PM

7 Trial (5 days)

Jan. 22, 2014,
9 AM

March 25, 2014,
9:00 AM

9
10 **SO STIPULATED.**

11 Dated: May 17, 2013

THIMESCH LAW OFFICES
TIMOTHY S. THIMESCH

12 /s/ Signature Authorized
13 Attorneys for Plaintiff
HOLLYNN D'LIL

14 Dated: May 17, 2013

CHARLES L. POST, ESQ.
weintraub genshlea chediak
tobin & tobin

16 /s/ - Charles L. Post
17 Attorneys for Defendants
RIVERBOAT DELTA KING, INC.

18 Dated: May 17, 2013

James Sanchez, City Attorney
KATHLEEN T. ROGAN, Sr. Deputy

20 /s/ Signature Authorized
21 Attorneys for Defendant
CITY OF SACRAMENTO

22 **ORDER**

23 IT IS SO ORDERED.

24 Dated: May 20, 2013

25 

26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE
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