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Attorneys for Defendant
RIVERBOAT DELTA KING, INC.

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CITY OF SACRAMENTO

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Attorneys for Defendant CITY OF SACRAMENTO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HOLLYNN D'LTU

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

Plaintiff,

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.)
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5 To avoid this encroachment while gaining time necessary to
6 conduct remaining essential discovery, the Parties re-submit
7 this final request for an extension of all trial and trial
8 related deadlines. The Parties submit there is substantial good
9 cause for this further but final continuance of the scheduling
10 order in this matter. While the Parties continue to cooperate
11 in seeking a resolution short of trial, they are in the process
12 of completing essential discovery in the case. That discovery
13 concerns the construction and permit history of the conversion
14 of on a historical riverboat to a hotel. The conversion occurred
15 in the early to mid 1980's. One of the several significant
16 contested issues in the case is whether the conversion complied
17 with or deviated from the California Building Code, and whether
18 such deviations, if any, were properly authorized by the
19 appropriate authorities. The search for records or testimony
20 concerning the conversion of the vessel to a floating hotel has
21 been complicated by the passage of time and the fact that
22 records that defendants believe exist have not yet been found.
23 These records and testimony will likely form the basis of the
24 alleged legal obligations at issue in the case. Whether or not
25 Plaintiff ends up contesting the existence of these records,
26 their absence has necessitated an extensive search for, and
27 discovery of, persons involved in the project in the early to
mid 1980's. Many of these witnesses or potential witnesses long
ago retired from employment with the City and/or have moved out
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1 of state. Their testimony is critical to presentation of the
2 issues. The existence or nonexistence of these records is also
3 likely to critical to expert testimony. The conclusions experts
4 may draw will likely vary depending upon the state of the
5 evidence of the vessel's construction and permit history.
6 Recently, Plaintiff took the deposition of Solon "Doc" Wisham,
7 who served in the City Manager's office in the 1980's. That
8 deposition has made clear the need for further discovery of City
9 Building Department personnel. The parties are now working to
10 arrange the deposition of Tim Sullivan, a retired City Building
11 department employee. The parties understand and believe that
12 Mr. Sullivan's testimony will be important to a full
13 understanding of the vessel's history. This stipulation seeks
14 the minimum reasonable extension of time for this critical
15 discovery to occur. Therefore, the Parties respectfully request
16 a final 60-Day extension of trial and pre-trial related dates as
17 follows:
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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

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1 File all motions except Sept. 6, 2013 Nov. 6, 2013
2 continuances and
3 TROs

4 File Separate Pretrial Plaintiff: Plaintiff:
5 Conf. Statements Nov. 12, 2013 Jan. 13, 2014
6 Defendant: Nov. 18, 2013 Defendant:
7 Final Pretrial Conference Nov. 25, 2013, February 3, 2014
8 2 PM 2:00 PM

9 Trial (5 days) Jan. 22, 2014, March 25, 2014,
10 9 AM 9:00 AM

11 **SO STIPULATED.**

12 Dated: May 17, 2013 THIMESCH LAW OFFICES
13 TIMOTHY S. THIMESCH

14 /s/ Signature Authorized
15 Attorneys for Plaintiff
16 HOLLYNN D'LIL

17 Dated: May 17, 2013 CHARLES L. POST, ESQ.
18 weintraub gensleah chediak
19 tobin & tobin

20 /s/ - Charles L. Post
21 Attorneys for Defendants
22 RIVERBOAT DELTA KING, INC.

23 Dated: May 17, 2013 James Sanchez, City Attorney
24 KATHLEEN T. ROGAN, Sr. Deputy

25 /s/ Signature Authorized
26 Attorneys for Defendant
27 CITY OF SACRAMENTO

28 **ORDER**

29 IT IS SO ORDERED.

30 Dated: May 20, 2013

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32 WILLIAM B. SHUBB
33 UNITED STATES DISTRICT JUDGE