

1 CLAUDIA M. QUINTANA  
 City Attorney, SBN 178613  
 2 Kelly J. Trujillo  
 Deputy City Attorney, SBN 244286  
 3 CITY OF VALLEJO, City Hall  
 4 555 Santa Clara Street, P.O. Box 3068  
 Vallejo, CA 94590  
 5 Tel: (707) 648-4201  
 Fax: (707) 648-4687  
 6

Corey Page (Evans), State Bar No. 218789  
 Geneva Page, State Bar No. 235633  
 EVANS & PAGE  
 2912 Diamond Street #346  
 San Francisco, CA 94131  
 Tel: (415) 896-5072  
 Fax: (415) 358-5855

Attorneys for Plaintiffs  
 ANDREA JARREAU-GRIFFIN, individually and  
 as a personal representative of the estate of GUY J.  
 JARREAU, JR.; the estate of GUY J. JARREAU,  
 JR.

8 Thomas F. Bertrand, State Bar No. 056560  
 9 Richard W. Osman, State Bar No. 167993  
 Sheila D. Crawford, State Bar No. 278292  
 10 BERTRAND, FOX, ELLIOT,  
 OSMAN & WENZEL  
 11 The Waterfront Building  
 2749 Hyde Street  
 12 San Francisco, California 94109  
 13 Tel: (415) 353-0999  
 Fax: (415) 353-0990  
 14

Attorneys for Defendants  
 15 CITY OF VALLEJO and KENT TRIBBLE  
 16

17 UNITED STATES DISTRICT COURT  
 18 EASTERN DISTRICT OF CALIFORNIA  
 19

20 ANDREA JARREAU-GRIFFIN, individually  
 21 and as a personal representative of the estate of  
 GUY J. JARREAU, JR.; the estate of GUY J.  
 22 JARREAU, JR.,

Case No. 2:12-CV-02979-KJM-KJN

23 Plaintiff,

24 v.

25 CITY OF VALLEJO; KENT TRIBBLE,  
 26 individually and in his official capacity as a  
 police officer; DOES 1-10,

27 Defendants.  
 28

**STIPULATION TO CONTINUE SETTLEMENT  
 CONFERENCE AND AMEND SCHEDULING  
 ORDER BY CONTINUING DATES;  
 DECLARATION OF COREY EVANS; ORDER**

1 **INTRODUCTION**

2 The parties by and through their designated counsel, pursuant to Local Rule 144(a) and Federal  
3 Rule of Civil Procedure 6, hereby submit this Stipulation to Continue Settlement Conference and Amend  
4 Scheduling Order By Continuing Date in this matter. This is the fifth stipulation to alter the pretrial  
5 scheduling order, the last being filed on August 14, 2015. The first two stipulations requested alterations  
6 to the scheduling order so the parties could wait to conduct discovery while motion practice was  
7 completed regarding the possible bankruptcy bar to plaintiffs’ claims. The bankruptcy issue was  
8 resolved in May 2015, and prior to that time, the parties had an agreement not to conduct and/or maintain  
9 any discovery. The second two stipulations requested alterations to the scheduling order so plaintiffs’  
10 counsel (husband and wife law practice) could attend to the delivery, birth, and infant care of their  
11 newborn daughter.

12 The parties have diligently conducted discovery and have worked cooperatively to overcome  
13 discovery disputes without involving the court. Also, the parties had a discovery dispute hearing taken  
14 off calendar when a new magistrate judge was appointed to the matter. Fortunately, the parties also  
15 resolved that discovery dispute informally. Because of the complexity of this case, the numerous  
16 witnesses and involved police personnel involved, defendants’ hurdles with accessing ESI, the fact that  
17 plaintiff lives out of state and based on the discovery disputes and diligent attempts to resolve those  
18 informally, discovery is ongoing and not complete.

19 2. Subject to the Court’s approval, the parties propose to continue the settlement conference,  
20 presently scheduled for October 17, 2016 with Magistrate Judge Carolyn K. Delaney to March 17, 2017,  
21 or another available date thereafter.

22 3. The proposed continuance is necessary and good cause exists for the requested stipulation.  
23 Based on the January 13, 2016 stipulation of the parties, this court continued all pretrial dates as well as  
24 trial in this matter. Trial is now scheduled for July 10, 2017, the fact discovery cutoff is November 25,  
25 2016. The January 2016 stipulation was based largely on the birth of plaintiff’s counsel’s first child at  
26 the end of November 2015, and the fact that plaintiff’s counsel and his wife (and law partner) would be  
27 took off work until May 2016 because the delivery was more difficult than expected, and thus the post-  
28

1 delivery recovery and care was more time-intensive (and lasting), than expected.

2 4. Since plaintiffs' counsel returned to work in May 2016, the parties have been working to  
3 resolve multiple discovery issues that have arisen. Some discovery requests and production remained  
4 outstanding for many months because the electronic data being sought presented technological hurdles  
5 that had to be overcome to permit access to certain information. Here are a few examples, although there  
6 are many outstanding discovery issues:

7 a. Defendants were required to engage their IT Department to overcome significant  
8 technological hurdles to search and provide certain requested and extensive electronic  
9 data. As a result, the searches have taken much longer than expected.

10 b. The parties engaged in lengthy meet and confer efforts regarding the production of  
11 various Internal Affairs reports ("IA"). Fortunately, the parties were able to again avert  
12 bringing the dispute to the court and instead informally resolved the issue which resulted  
13 in the production of certain records to plaintiff for review two weeks ago. There still is  
14 the potential that further requested records will be disputed and court intervention may be  
15 necessary. This process—although fruitful—took many months to accomplish.

16 c. The parties are presently engaged in discussions to use a third party lab to analyze  
17 certain evidence – a process that is ongoing.

18 4. The parties agree that further discovery, including several key depositions, will enhance  
19 the prospects of resolving this case and therefore seek an additional five (5) months to conduct discovery  
20 prior to the Settlement Conference.

21 5. Because the parties will be completing discovery until April 2017, it will be impossible to  
22 meet the remaining dates contained within the pretrial scheduling order.

23 6. Based on the foregoing, the parties request that the scheduling order be adjusted as  
24 follows:  
25  
26

Event	Present Date	Proposed New Date
Settlement conference	10/17/2016	3/17/2017
Discovery cutoff	11/25/2016	4/30/2017
Expert discovery completion	1/25/2017	5/31/2017
Dispositive motions heard by	3/10/2017	7/25/2017
Joint pretrial conf. statements due	5/12/2017	9/23/2017
Final pretrial conference	6/2/2017	10/6/2017
Trial briefs due	6/26/2017	10/20/2017
Jury trial	7/10/2017	11/6/2017

DECLARATION OF COREY EVANS

I, COREY EVANS, DECLARE:

1. I am the attorney of record for the plaintiffs in this action, and am licensed and in good standing in the State of California, and the federal district courts of the State.
2. I am a partner in the two-attorney firm of Evans & Page, the other attorney is Geneva Page, who is also my wife.
3. Based on the state of discovery, I do not believe that either party is ready to attend a settlement conference with any reasonable hope of settling. Due to plaintiff Jarreau-Griffin's residence out-of-state, and her financial position, attending a fruitless settlement conference would be a great inconvenience.
4. On November 28, 2015, Geneva delivered our first child. The delivery was more difficult than either of us was expecting, and the post-delivery recovery was also more difficult. Therefore, we returned to work in May 2016.
5. Since returning to work, we have endeavored to resolve all of our discovery disputes as expeditiously

1 as possible, although, there has been some unavoidable delays such as the changing of magistrate judges  
2 and defendants' technological hurdles in accessing ESI.

3 5. If necessary, I would be happy to attend a telephonic status conference hearing to further describe the  
4 difficulty and explain why this extension is reasonable and necessary. I declare under penalty of perjury  
5 under the laws of the State of California and the United States, that these statements are true and correct  
6 to the best of my knowledge.

7 Dated: October 7, 2016

/s/ Corey Page

Attorneys for Plaintiffs

8 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

9 DATED: October 7, 2016

BERTRAND, FOX, ELLIOT,  
OSMAN & WENZEL

/s/ Richard W. Osman

Attorneys for Defendants

12 DATED: January 6, 2016

EVANS & PAGE

/s/ Corey Page

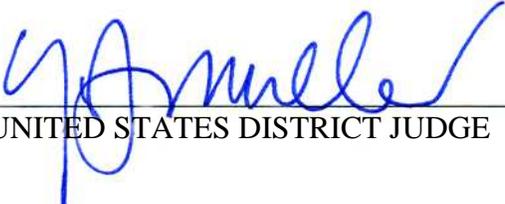
Attorneys for Plaintiffs

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

15 Good cause exists for granting the stipulation to move dates, and the court hereby amends the  
16 pretrial scheduling order and sets forth the following dates:

- 17
- 18 a. Settlement conference..... 3/17/2017
  - 19 b. Discovery cutoff..... 4/30/2017
  - 20 c. Expert discovery completion ..... 5/31/2017
  - 21 d. Dispositive motions heard by..... 7/28/2017
  - 22 e. Joint pretrial conf. statements due..... 9/15/2017
  - 23 f. Final pretrial conference.....10/6/2017
  - 24 g. Trial briefs due..... 10/23/2017
  - 25 h. Jury trial.....11/6/2017

26 DATED: October 12, 2016

27   
UNITED STATES DISTRICT JUDGE