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 8 BELK, AARON BERTSCH, FRANK PIRO,
 9 KELLY ROMBACH, ADAM BRUNIE,
 10 CHRISTOPHER GRIMM and KEITH PULSIPHER

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA

13 BILLY ROBERT COOK, MICHAEL JOHN
 14 MAROULAS, AND BECKY SMISEK-GAGE,

15 Plaintiffs,

16 v.

17 CITY OF FAIRFIELD, a municipal
 18 corporation; FORMER CITY OF FAIRFIELD
 19 POLICE CHIEF WALT TIBBET, in his
 20 individual and official capacities; REBECCA
 21 BELK and AARON BERTSCH, individually
 22 and in their official capacities as police
 23 sergeants for the City of Fairfield, FRANK
 24 PIRO, KELLY ROMBACH, MARK APLEY,
 25 ADAM BRUNIE, CHRISTOPHER GRIMM,
 26 KEITH PULSIPHER, and DOES 1-50,
 27 individually and in their capacities as peace
 28 officers,

29 Defendants.

Case No. 2:15-cv-02339- KJM-KJN

**STIPULATION AND ORDER TO EXTEND TIME
 FOR FACT AND EXPERT DISCOVERY**

HONORABLE KIMBERLY J. MUELLER

1 Plaintiffs Billy Robert Cook, Michael John Maroulas, and Becky Smisek-Gage (“Plaintiffs”),
2 acting by and through their attorney of record, and defendants City of Fairfield, Walt Tibbet, Rebecca
3 Belk, Aaron Bertsch, Frank Piro, Kelly Rombach, Mark Apley, Adam Brunie, Christopher Grimm, and
4 Keith Pulsipher (“Defendants”), acting by and through their attorney of record, hereby represent to the
5 Court as follows:

6 On October 14, 2016 this Court issued a Pretrial Scheduling Order (Docket 35) setting, among
7 other deadlines, a cutoff for all discovery of November 10, 2017.

8 At the time that the Pretrial Scheduling Order was issued, Defendants’ July 15, 2016 Motion to
9 Dismiss the Third Amended Complaint (Docket 27) was still pending, having been heard on October 7,
10 2016.

11 As of the date of this stipulation, no Order has been issued on the Motion to Dismiss, which
12 remains pending.

13 The parties have conducted some discovery, including the exchange of written discovery, but are
14 limited in their ability to complete further fact discovery, given the uncertainty of the pleadings in the
15 absence of an Order on the pending Motion to Dismiss.

16 A five month extension of time for fact and expert discovery will allow the parties to conduct full
17 and complete discovery in this case. Therefore, the parties request that the cutoff for all discovery now
18 set for November 10, 2016 be continued by five months to April 13, 2018.

19
20 IT IS SO STIPULATED

21
22 Dated: September 26, 2017

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

23
24 By: /s/ Parry Black
25 Parry Black
26 Attorney for Defendant
27 CITY OF FAIRFIELD, WALT TIBBET,
REBECCA BELK, AARON BERTSCH, FRANK
PIRO, KELLY ROMBACH, ADAM BRUNIE,
CHRISTOPHER GRIMM and KEITH
PULSIPHER

1 Dated: September 26, 2017

LAW OFFICES OF JUSTIN KIRK TABAYOYON

2
3 By: /s/ Justin Kirk Tabayoyon (as authorized on
9/19/17)

4 Justin Kirk Tabayoyon
5 Attorney for Plaintiffs

6
7 **ORDER**

8 Good cause appearing, the Stipulation is SO ORDERED.

9
10 Dated: September 26, 2017.

11
12 
13 _____
14 UNITED STATES DISTRICT JUDGE