

1 MICHAEL J. HADDAD (State Bar No. 189114)
 JULIA SHERWIN (State Bar No. 189268)
 2 MAYA RODRIGUEZ SORENSEN (State Bar No. 250722)
 3 TERESA ALLEN (State Bar No. 264865)
 HADDAD & SHERWIN LLP
 4 505 Seventeenth Street
 Oakland, California 94612
 5 Telephone: (510) 452-5500
 Facsimile: (510) 452-5510
 6

7 Attorneys for Plaintiff I.F.

8 JOHN L. BURRIS, Esq., SBN 69888
 ADANTE D. POINTER, Esq., SBN 236229
 9 PATRICK M. BUELNA, Esq., SBN 317043
 LAW OFFICES OF JOHN L. BURRIS
 10 Airport Corporate Center
 7677 Oakport St., Suite 1120
 11 Oakland, CA 94621
 12 Telephone: (510) 839-5200
 Facsimile: (510) 839-3882
 13

14 Attorneys for Plaintiffs R.F., Paula McGowan, and Ronell Foster Sr.

15 **UNITED STATES DISTRICT COURT**

16 **EASTERN DISTRICT OF CALIFORNIA**

17 I.F., by and through her guardian ad litem SHASTA)
 18 SKINNER, individually and as successor-in-interest to)
 Decedent RONELL FOSTER; R.F., by and through his)
 19 guardian ad litem SHENA BATTEN, individually and)
 as successor-in-interest to Decedent RONELL)
 20 FOSTER; PAULA MCGOWAN, individually; and)
 21 RONELL FOSTER, SR., individually.)

22 Plaintiffs,

23 vs.

24 CITY OF VALLEJO, a municipal corporation; RYAN)
 MCMAHON, individually and in his official capacity as)
 25 a Police Officer for the CITY OF VALLEJO; and)
 DOES 1-50, inclusive.)

26 Defendants.)
 27)

No: 2:18-cv-00673-JAM-CKD

**STIPULATION AND ORDER TO
 STAY DISCOVERY
 AS TO DEFENDANT MCMAHON
 AND EXTEND CASE MANAGE-
 MENT AND TRIAL DATES**

1 The parties respectfully request that the Court stay only the deposition of Defendant Ryan
2 McMahon (while continuing to exchange all written discovery) and extend all dates out by
3 approximately four months.

4 The parties respectfully request that, subject to the Court's calendar, the Court modify the
5 case management and trial dates as follows:

<u>Case Event</u>	<u>Current Date</u>	<u>Proposed Date</u>
1. Expert disclosures	November 4, 2019	March 4, 2020
2. Rebuttal expert disclosures	November 25, 2019	March 25, 2020
3. Joint Statement summarizing all law and motion	December 20, 2019	April 20, 2020
4. Close of discovery	January 27, 2020	May 27, 2020
5. Filing of Dispositive Motions	February 24, 2020	June <u>30</u> , 2020
6. Hearing on dispositive motions	March 24, 2020	July 28, 2020 <u>at 1:30 p.m.</u>
7. Pretrial conference	May 1, 2020	October 16, 2020 <u>at 10:00 a.m.</u> The parties joint pretrial statement shall be filed no later than October 9, 2020.
8. Trial	August 2020	December <u>7</u> , 2020 <u>at 9:00 a.m.</u>

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19 **Good Cause Regarding the Above Request:**

20 Ronell Foster Jr. was shot and killed by Defendant McMahon on February 13, 2018. The
21 initial complaint was filed on May 1, 2018. As of the filing of this stipulation, the District
22 Attorney for the County of Solano is still investigating the shooting death of Ronell Foster Jr.
23 Consequently, Defendant McMahon notified the parties that he will be invoking his Fifth
24 Amendment right against self-incrimination in any deposition related to the instant case.
25 Defendant McMahon's attorney through his union informed all parties, including the City of
26 Vallejo, about this intention just last month when the parties were working to set up Defendant
27
28

1 McMahon's deposition. Plaintiffs proceeded with depositions of witness officers and have
2 completed five.

3 It is unclear when Solano County's investigation will conclude. Without Defendant
4 McMahon's deposition testimony, the parties are unable to proceed with expert reports, expert
5 discovery, dispositive motions, trial preparation, or with trial. While Solano County continues to
6 investigate Mr. Foster's death, the parties can continue to exchange written discovery and depose
7 other parties, persons most knowledgeable, and witnesses to the incident.

8 For this reason, the parties respectfully request that the Court stay deposition discovery as
9 to Defendant McMahon, and modify the scheduling order for good cause as shown herein. The
10 City of Vallejo will inform all parties within seven (7) days upon learning of the conclusion of the
11 investigation by the District Attorney of Solano County into Ronell Foster's death. The parties
12 also request a status conference in approximately three months in order to update the Court about
13 the progress of the criminal investigation.

14
15 DATED: October 4, 2019

HADDAD & SHERWIN LLP

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17 By: /s/ Maya Rodriguez Sorensen

18 MAYA RODRIGUEZ SORENSEN
19 Attorneys for Plaintiff I.F.

20 DATED: October 4, 2019

City Attorney for the City of Vallejo

21
22 /s/ Timothy R. Smyth
23 TIMOTHY R. SMYTH
24 Deputy City Attorney
25 Attorney for Defendants,
26 CITY OF VALLEJO, et al.

27 DATED: October 9, 2019

Law Offices of John Burris

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/s/ Patrick Buelna
PATRICK BUELNA
Attorney for Plaintiffs, R.F., et al.

ORDER

Based on the parties' stipulation, and with good cause appearing therefore,
IT IS HEREBY ORDERED:

The deposition of Defendant Ryan McMahon is stayed and the case management and trial dates are continued as outlined in the chart above. Further, the Court orders an updated joint Status Report shall be filed on or before **April 20, 2020.**

DATED: October 9, 2019

/s/ John A. Mendez
Hon. John A. Mendez
U. S. District Court Judge