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 16 Lyle Thomas

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 Michael Izell Seals,  
 20 Plaintiff,  
 21 v.  
 22 Officer Rodney K. Mitchell, et al.  
 23 Defendants.  
 24

CASE NO. C-04-3764 NJV

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER REQUESTING AN EXTENSION OF  
 TIME FOR REBUTTAL EXPERT  
 DISCLOSURE**

25 Plaintiff Michael Izell Seals and Defendants John Rynhart and Lyle Thomas submit this  
 26 Joint Stipulation and [Proposed] Order Requesting an Extension of Time for Rebuttal Expert  
 27 Disclosure. On Tuesday, January 11, 2011, Pelican Bay State Prison was placed on an indefinite  
 28 lockdown after inmates purportedly attacked three prison guards. Declaration of Ashley Bauer

1 in Support of Joint Stipulation (“Bauer Decl.”), Ex. 1 (news article on the incident). During this  
2 lockdown, Plaintiff’s counsel are unable to speak with Mr. Seals over the telephone. Bauer Decl.  
3 at ¶ 5. As a result, Plaintiff’s counsel can only communicate via letter to Mr. Seals and must  
4 await his written responses. The pace of this communication has hindered Plaintiff’s ability to  
5 meet the current rebuttal expert disclosure deadline.

6 Based on this Court’s Order dated November 1, 2010 (Dkt. No. 144), the current rebuttal  
7 expert disclosure deadline is Wednesday, January 19, 2011. In light of the difficulties Plaintiff’s  
8 counsel have had in communicating with their client, counsel for Plaintiff and Defendants agree  
9 and stipulate that good cause exists for a one week extension of the rebuttal expert deadline  
10 pursuant to Fed. R. Civ. P. 16(b). The parties therefore join in a request for this Court to extend  
11 the rebuttal expert deadline to January 26, 2011. The parties do not expect that the requested  
12 extension of time will impact other aspects of the Court’s pre-trial scheduling order or the  
13 schedule going forward for trial.

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Dated: January 18, 2011

LATHAM & WATKINS LLP  
Alfred Pfeiffer  
Ashley Bauer  
Meghna Subramanian

By s/Ashley Bauer  
Ashley Bauer  
Attorney for Plaintiff  
Michael Izell Seals

Dated: January 18, 2011

JONES & DYER  
Mark A. Jones  
Kristen K. Preston

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Mark. A. Jones  
Attorney for Defendants  
John Rynhart  
Lyle Thomas

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**ORDER**

The Court having considered the foregoing stipulation of the parties, and good cause appearing, the Court hereby orders that the deadline for the disclosure of rebuttal experts shall be Wednesday, January 26, 2011. No other dates in the parties' case management schedule shall be changed as a result of this Order.

IT IS SO ORDERED.

Dated:   1/20/11  



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HON. NANDOR J. VADAS  
United States Magistrate Judge