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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GORDON SIMPSON,

No. C-06-4837 EMC

Plaintiff,

v.

**AMENDED ORDER GRANTING
PLAINTIFF'S MOTION TO ENLARGE
TIME**OFFICER A. McNACK, *et al.*,

Defendants.

(Docket No. 111)

Plaintiff has moved to extend the expert discovery deadlines in this case. The BART Defendants also ask for an extension but only for Defendants and not Plaintiff. Currently, expert disclosures and reports are to be filed by November 13, 2009; rebuttal disclosures and reports are to be filed by November 30, 2009, and expert discovery is to be completed by December 14, 2009. Dispositive motions are to be heard on February 3, 2009, and trial is scheduled to begin on May 10, 2010. *See* Docket No. 105 (order).

Under Federal Rule of Civil Procedure 16, Plaintiff must establish good cause for the modification of the case management schedule. *See* Fed. R. Civ. P. 16(b)(4). The Court finds that Plaintiff has met this burden. On October 21, 2009, the Court granted Plaintiff's request for appointment of counsel. *See* Docket No. 108 (order). Because expert discovery is an area where the advice of counsel is likely to be especially helpful, it makes sense to extend the expert discovery deadlines in order for Plaintiff's counsel to have an opportunity to provide input in that area. On the other hand, the Court can only provide a limited accommodation to Plaintiff and his counsel

1 because, as Defendants argue, this case has been repeatedly delayed and the Court does not intend to
2 move the trial date.

3 Accordingly, the Court hereby modifies expert discovery deadlines for all parties as follows.

4 (1) Experts shall be disclosed and reports provided by December 11, 2009.

5 (2) Rebuttal experts shall be disclosed and reports provided by December 28, 2009.

6 (3) All discovery from experts shall be completed by January 11, 2010

7 The Court also extends the hearing date for dispositive motions to March 3, 2010, at 10:30
8 a.m.

9 This order disposes of Docket No. 111.


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11 IT IS SO ORDERED.

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13 Dated: November 12, 2009

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EDWARD M. CHEN
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GORDON SIMPSON,
Plaintiff,

No. C-06-4837 EMC

v.

CERTIFICATE OF SERVICE

OFFICER A. McNACK, *et al.*,
Defendants.

_____ /

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

GORDON SIMPSON
27817 Norwich Way
Hayward, CA 94545
510-887-0394

PRO SE

Dated: November 12, 2009

RICHARD W. WIEKING, CLERK

By: _____ /s/
Leni Doyle
Deputy Clerk