

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 2 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 3 ELLEN M. FITZGERALD (NY 2408805)
 Assistant United States Attorney
 4 ANDREW Y. S. CHENG
 Deputy Chief, Civil Division
 5 450 Golden Gate Avenue, Box 36055
 San Francisco, CA 94102-3495
 6 Tel: (415) 436-7314
 Fax: (415) 436-6748
 7 E-mail: ellen.fitzgerald@usdoj.gov

8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 FRANCISCA MORALEZ,
 13)
)
 Plaintiff,
 14)

15 v.)

16 ELAINE CHAO, SECRETARY OF THE)
 U.S. DEPARTMENT OF LABOR; U.S.)
 17 DEPARTMENT OF LABOR)
 EMPLOYMENT STANDARDS)
 18 ADMINISTRATION)

19)
 Defendant.)
 20)

Case No. C 07-3807 EDL

**STIPULATION AND JOINT MOTION
 TO EXTEND DEADLINES FOR
 EXPERT DISCOVERY; [~~PROPOSED~~]
 ORDER**

21 In accordance with Rule 6-2 of the Local Civil Rules for the Northern District of
 22 California, and subject to this Court’s approval, plaintiff, Francisca Moralez, and defendants,
 23 Elaine Chao, Secretary of the U.S. Department of Labor, and the U.S. Department of Labor
 24 Employment Standards Administration (“defendants”), hereby stipulate and agree to extend the
 25 deadlines for completion of expert discovery. This request will cause no change to the trial date
 26 or the pretrial conference date.

27 1. This is an action for alleged disability discrimination in violation of the Rehabilitation
 28 Act of 1973, 29 U.S.C. § 701 et seq. By her complaint, plaintiff alleges that defendants failed to

1 provide her with reasonable accommodation and, as a result, the conditions of her employment
2 became so difficult that she was forced to retire on a disability pension. Plaintiff is seeking
3 damages for alleged emotional distress and economic losses.

4 2. Fact discovery, with the exception of the deposition of Alberto Rocha, plaintiff's
5 former supervisor, was completed on July 18, 2008. The Court granted the parties' request to
6 extend fact discovery for the sole purpose of taking Mr. Rocha's deposition. Defendants have
7 noticed Mr. Rocha's deposition for September 11, 2008.

8 3. The parties participated in court-ordered mediation on March 25, 2008 and August 5,
9 2008. While the parties were unable to reach a settlement, they were able to make significant
10 progress toward a resolution of this matter.

11 4. After the August 5, 2008 mediation, defendants requested that plaintiff stipulate to the
12 assignment of this case to a Magistrate Judge for a settlement conference. Plaintiff is
13 considering defendants' request.

14 5. The parties are currently required to designate experts on September 5, 2008.
15 Rebuttal experts are to be disclosed on September 19, 2008. Expert discovery is set to close on
16 September 26, 2008.

17 6. In preparation for her expert disclosure, plaintiff will incur substantial costs.

18 7. The parties are currently engaged in ongoing settlement discussions. It is very likely
19 that the parties will agree to a settlement conference with a Magistrate Judge. The requested
20 extension will allow the parties to continue to attempt to settle this case, without plaintiff
21 incurring the costs of expert discovery.

22 8. Also, by order dated August 29, 2008, this Court granted defendants' motion to
23 compel plaintiff to submit to independent mental and physical examinations.

24 9. The requested extension will give defendants' experts sufficient time to schedule their
25 examinations and complete their written reports.

26 10. This extension will cause no change to the deadline for filing dispositive motions,
27 the pre-trial conference date or the trial date. This is the second request for an extension of this
28 deadline.

1 11. Therefore, the parties jointly request that the Court extend the dates for expert
2 disclosure and the cut-off of expert discovery as follows:

3 Initial Expert Designation: September 26, 2008

4 Rebuttal Expert Designation: October 10, 2008

5 Expert Discovery Cut-off: October 17, 2008

6
7 **IT IS SO STIPULATED.**

8 Dated: September 1, 2008

9 Respectfully submitted,

10 LAW OFFICES OF
MICHAEL S. SORGEN

11 By:

12 /s/
MICHAEL S. SORGEN
13 Attorney for Plaintiff

14 Dated: September 1, 2008

15 JOSEPH P. RUSSONIELLO
16 United States Attorney

17 By:

18 /s/
ELLEN M. FITZGERALD
19 Assistant United States Attorney
Attorney for Defendants

20 **APPROVED AND SO ORDERED.**

21 The Court hereby extends the deadline for designation of experts until September 26,
22 2008. The deadline for rebuttal experts is extended until October 10, 2008. Close of expert
23 discovery is October 17, 2008. All other dates remain the same.

24
25 DATED: 9/3/2008

26 HON. ELIZABETH LAPORTE
United States Magistrate

