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8 Attorneys for Defendant Elaine Chao, Secretary of Labor

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

12 RICHARD GAYTAN, )  
 13 )  
 Plaintiff, )  
 14 )  
 v. )  
 15 )  
 ELAINE CHAO, Secretary of Labor, )  
 16 )  
 Defendant. )  
 17

No. C 07-6367 VRW

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE PRE-TRIAL  
 DATES**

18  
 19 IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval  
 20 of the Court, that the pre-trial dates listed below are continued to the dates listed below. This  
 21 stipulation was agreed to by the parties because Mr. Gaytan has recently requested more time to  
 22 respond to written discovery served by the defendant in December, a request that defendant is  
 23 willing to agree to if the discovery cut-off is continued. The continuance of the discovery cut-off  
 24 date affects the timing of a motion for summary judgment that defendant intends to file, the  
 25 ability to prepare expert reports, as well as the date for the pre-trial conference so the honoring of

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28 C 07-6367 VRW  
 STIPULATION AND [PROPOSED] ORDER CONTINUING PRE-TRIAL DATES

1 Mr. Gaytan's request would require an adjustment of the entire schedule by approximately two  
2 months. Counsel for defendant obtained the proposed dates for the dispositive motion hearing  
3 date and pre-trial conference date from the Court's clerk. These dates have not previously been  
4 continued in this case.

5 The date for expert disclosures is continued from February 13, 2009 to April 13, 2009;

6 The fact discovery cut off date is continued from February 27, 2009 to April 27, 2009;

7 The date for rebuttal expert disclosures is continued from March 13, 2009 to May 13,  
8 2009;

9 The last day for expert discovery is continued from April 17, 2009 to June 17, 2009;

10 The dispositive motion hearing date is continued from May 14, 2009 to August 6, 2009 at  
11 2:30 p.m.;

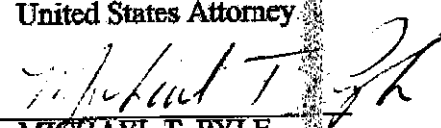
12 The pre-trial conference is continued from June 18, 2009 to September 10, 2009 at 3:30  
13 p.m.

14  
15 DATED: January 28, 2009 By:

  
RICHARD GAYTAN  
Plaintiff

18  
19 JOSEPH P. RUSSONELLO  
United States Attorney

20  
21 DATED: <sup>January 3</sup> ~~January 28~~, 2009 By:

  
MICHAEL T. PYLE  
Assistant United States Attorney  
Attorneys for Defendant

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23  
24 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

25 The pre-trial dates listed in this action are continued such that the schedule for the  
26 disposition of this action is as follows:  
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28 C 07-6367 VRW  
STIPULATION AND [PROPOSED] ORDER CONTINUING PRE-TRIAL DATES

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The date for expert disclosures is April 13, 2009;  
The fact discovery cut off date is April 27, 2009;  
The date for rebuttal expert disclosures is May 13, 2009;  
The last day for expert discovery is June 17, 2009;  
The dispositive motion hearing date is August 6, 2009 at 2:30 p.m.;  
The pre-trial conference will be held on September 10, 2009 at 3:30 p.m.

DATED: 2/6/2009

