

1 application have not yet completed that process.

2

3 3. Specifically, there is potentially some relevant evidence in the form of e-mails or
4 other documents in electronic form which may exist on old servers and/or back-up drives no
5 longer used by defendant Independent Living Resource of Contra Costa County (ILR).
6 The parties and their attorneys have been cooperating in trying to arrive at the most
7 efficient and economical way to search for this potential evidence. Plaintiff sought such
8 evidence by document demands served on July 10, 2008. ILR has been attempting to locate
9 and produce further evidence, but has found efforts to proceed slower than initially
10 anticipated, because of difficult issues such as how to physically access the evidence, its
11 concerns about privacy rights of third parties, how to maintain the authenticity and
12 admissibility of any evidence that may ultimately be found and retrieved; how to make sure
13 that all possible sources for this evidence have been searched, and so on. Additionally,
14 ILR, a non-profit, represents that it receives the great bulk of its funding from the State of
15 California, that it had to operate in near shut-down mode during the recent California State
16 budget crisis, and that this further slowed the search for electronic evidence.

17

18 4. All parties hereto therefore stipulate, through their respective attorneys of record
19 herein, to the extensions of time requested in this joint application, and hereby respectfully
20 ask this court to continue the next case management conference in this case, and to re-set
21 the last day for completion of mediation, as set forth below, or as the court determines.

22

23 5. As ordered by the court [see Docs. 16 and 19], the current scheduling of these
24 matters is as follows:

25

10/20/08 Second Case Management Conference (1:30 p.m.)

26

10/30/08 Currently scheduled last day to complete mediation

27

28

1 6. In order to save great time and expense for the parties and for the court as well,
2 and in the interests of justice, so that both parties to this suit can adequately make the
3 discover necessary in order to effectively engage in mediation, the parties hereto have
4 agreed and hereby jointly ask the court to re-set the hearing and deadline mentioned above
5 as follows:

6
7 12/15/08 New date for Second Case Management Conference (1:30 p.m.)

8 2/2/09 New date for last day to complete mediation
9

10 The above is SO STIPULATED.
11

12 DATED: October 8, 2008

LAW OFFICES OF SOHNEN & KELLY

13
14 //S//

15 _____
16 HARVEY SOHNEN
17 Attorneys for Plaintiff
18 DERRICK ROSS

19
20 DATED: October 8, 2008

FARBSTEIN & BLACKMAN, APC

21 //S//

22 _____
23 JOHN S. BLACKMAN¹
24 Attorneys for Defendant
25 INDEPENDENT LIVING RESOURCE OF
26 CONTRA COSTA COUNTY, INC.

27 [Order to follow on next page]
28

¹As the e-filer, I attest that each of the signatories hereto has concurred in the filing of this document.

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ORDER

Good cause appearing therefor, the court orders changes to the scheduling in this case as follows:

New date for Second Case Management Conference: December 15, 2008, at 1:30 p.m.
[or: _____]

New last date to complete mediation: February 2, 2009
[or: _____]

DATED: 10/9/08

