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19 Attorneys for Plaintiffs
 20 SHAWN MYERS and SARAH MYERS

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA

24 JAMAL JACKSON; JANNIE MENDEZ,

25 Plaintiffs,

26 vs.

27 CITY AND COUNTY OF SAN
 28 FRANCISCO, a municipal corporation;

Case No. C08-1916 MEJ

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND DATES FOR
 DISCOVERY AND EXPERT
 DISCLOSURE**

Trial Date: None Set

STIP. PRO. RESCHEDULING EXPERT
 DISCLOSURE AND DISCOVERY CUT-OFF DATES;
 CASE NOS. C08-1916 MEJ ; C08-01163 MEJ

1 HEATHER FONG, in her capacity as
2 Chief of Police for the CITY AND
3 COUNTY OF SAN FRANCISCO; JESSE
4 SERNA, individually, and in his capacity
5 as a police officers for the CITY AND
6 COUNTY OF SAN FRANCISCO; GARY
7 MORIYAMA, individually and in his
8 capacity as a police officer for the CITY
9 AND COUNTY OF SAN FRANCISCO;
10 and San Francisco police officers and
11 employees DOES 1 through 50, inclusive,
12
13 Defendants.

14 SHAWN MYERS and SARAH MYERS,
15
16 Plaintiffs,

17 vs.

18 CITY AND COUNTY OF SAN
19 FRANCISCO, a municipal corporation;
20 HEATHER FONG, in her capacity as
21 Chief of Police for the CITY AND
22 COUNTY OF SAN FRANCISCO; JESSE
23 SERNA, individually, and in his capacity
24 as a police officer for the CITY AND
25 COUNTY OF SAN FRANCISCO; GARY
26 MORIYAMA, individually and in his
27 capacity as a police officer for the CITY
28 AND COUNTY OF SAN FRANCISCO;
and San Francisco police officers and
employees, DOES 1 through 50, inclusive,
Defendants.

Case No. C08-01163 MEJ

Trial Date: Not set

19 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
20 modification of this Court's Orders concerning and setting dates for discovery cut-offs in the above
21 matter.

22 The parties make this request based on the following circumstances:

23 1. Deposition discovery has only commenced in this matter, which has been joined with
24 Case No. C-08-01163 MEJ, JAMAL JACKSON, et al., v. THE CITY AND COUNTY OF SAN
25 FRANCISCO, et al., for the purposes of discovery. Preliminary written discovery has been
26 completed. To date, only the depositions of Plaintiff Shawn Myers, and the deposition of Plaintiff
27 Jamal Jackson have been taken. The depositions of defendant officers, of Plaintiffs Sarah Myers and

1 Jannie Mendez, and of numerous percipient witnesses are scheduled for April 2009. The parties
2 engaged in a settlement conference in late January of 2010, where it became evident that settlement
3 negotiations would not be fruitful until depositions discovery transpired.

4 2. Counsel for Plaintiffs will be unavailable from April 5 through April 16, 2010. On the
5 week of April 5, he is chaperoning his 10-year-old son's class trip to Yosemite; during the week of
6 April 11 through April 16, he will be on vacation with his family for Spring Break. These plans have
7 been long set, and paid for, with no ability to secure a replacement chaperone nor recover the
8 vacation expense.

9 3. Counsel for Defendants is set for trial in Federal Court to begin on April 26, 2010.
10 This trial is expected to last approximately two weeks.

11 4. Three of the percipient witnesses are located out of state, and the parties are in the
12 process of meeting and conferring regarding the taking of these persons' depositions. One of the
13 witnesses will be traveling to California in May. The parties would like to take that deposition while
14 the witness is in California to reduce the associated expenses.

15 5. One percipient witness is currently in boot camp for the United States Army and is not
16 available for deposition. He will complete his basic training in July, at which time he will be
17 available for deposition.

18 6. The parties agree that more discovery is necessary to adequately evaluate their
19 respective cases, including which experts will be necessary should the matter proceed to trial. They
20 require additional time for the purpose of conducting this discovery.

21 For the aforementioned reasons, the parties jointly request that the Court amend its
22 Scheduling Order as follows::

- 23 • June 25, 2010: Last day for expert witness disclosures
- 24 • July 9, 2010: Rebuttal expert witness disclosure
- 25 • July 23, 2010: Close of fact and expert discovery
- 26 • August 19, 2010: Last day to file dispositive motions
- 27 • 10 a.m., September 23, 2010: Dispositive Motion Hearing

1 **IT IS SO STIPULATED.**

2
3 Dated: March 22, 2010

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7
8 By: s/Sean F. Connolly
9 SEAN F. CONNOLLY
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10 Attorneys for Defendants CITY AND COUNTY OF
11 SAN FRANCISCO, et al.

12 Dated: March 22, 2010

LAW OFFICES OF CHEASTY & CHEASTY

13
14 By: **s/Robert C. Cheasty
15 ROBERT C. CHEASTY

16 Attorneys for Plaintiffs JAMAL JACKSON and
17 JANNIE MENDEZ

18 Dated: March 22, 2010

FREITAS MCCARTHY MACMAHON
& KEATING LLP

19
20 By: **Matthew C. Mani
MATTHEW C. MANI

21 Attorneys for Plaintiffs SHAWN MYERS and SARAH
22 MYERS

23 **Pursuant to General Order 45, §X.B., the filer of this
24 document attests that s/he has received the concurrence
25 of this signatory to file this document.

ORDER

Based on the above stipulation, and for good cause appearing, IT IS ORDERED that the dates for disclosure of expert information and for the close of discovery be rescheduled. Disclosure of experts shall take place on April 26, 2010, and discovery shall close on May 12, 2010.

Dated: March 23, 2010



THE HONORABLE MARIA-ELENA JAMES

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