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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 JAMAL JACKSON; JANNIE MENDEZ,  
4 Plaintiffs,  
5 vs.  
6 CITY AND COUNTY OF SAN  
7 FRANCISCO, a municipal corporation; et al.  
8 Defendants.

Case No. C08-1916 MEJ

**STIPULATION AND ~~PROPOSED~~  
ORDER RE DEPOSITIONS AND  
DEADLINE FOR FILING OF  
DISPOSITIVE MOTION**

Trial Date: None Set

9 SHAWN MYERS and SARAH MYERS,  
10 Plaintiffs,  
11 vs.  
12 CITY AND COUNTY OF SAN  
13 FRANCISCO, a municipal corporation; et al.  
14 Defendants.

Case No. C08-01163 MEJ

Trial Date: Not set

15  
16 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
17 modification of Magistrate Judge James' Case Management Order to allow certain discovery to  
18 proceed and to postpone the deadline for filing of dispositive motions, and oppositions thereto.

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

- 20 1. On March 10, 2009, the court issued its case management order in this case.  
21 2. To date the parties have completed most, but not all of their discovery. Written  
22 discovery has been propounded and the parties have responded. Fifteen depositions of the parties and  
23 third party witnesses have been taken.  
24 3. On October 19, 2010, the parties met and conferred regarding outstanding discovery  
25 issues. The parties reached a stipulation to complete certain depositions and for defendants to  
26 produce police personnel records to plaintiffs. Pursuant to this stipulation, the Court ordered that  
27

1 discovery remain open until January 7, 2010 in order to complete the depositions and document  
2 production.

3 4. Pursuant to the Court's October 19, 2010 Order, the parties have taken the depositions  
4 of third party witnesses Joseph Carullo and Luis Castillo.

5 5. Obtaining and reviewing the documents identified in the Court's October 19, 2010  
6 Order took longer than defendants' anticipated. Moreover, on December 29, 2010, plaintiffs executed  
7 a stipulated protective order that was necessary in order for defendants to produce the documents  
8 identified in the Court's October 19, 2011 Order. The Court signed the Protective Order on January  
9 6, 2011. On January 7, 2011, defendants produced to plaintiffs those documents.

10 6. Further, the City noticed the deposition of Dr. Shapiro, one of Plaintiff Shawn Myers'  
11 treating physicians. However, Dr. Shapiro was unavailable to give a deposition prior to January 7,  
12 2011.

13 7. Despite the parties' efforts, they have not been able to schedule and complete the  
14 depositions of expert witnesses and of the San Francisco Police Department person most  
15 knowledgeable ("PMK deposition").

16 8. The present deadline to file dispositive motions is January 14, 2011, and to oppose  
17 such motions, January 28, 2011.

18 9. Plaintiffs only recently received the documents from defendant that plaintiffs contends  
19 are necessary to take the PMK deposition. Plaintiffs also contend that it is necessary to complete the  
20 PMK deposition prior to expert depositions on police practices.

21 10. The parties agree that outstanding depositions should necessarily be completed before  
22 either party can be in a position to assess, evaluate, and draft any dispositive motion or respond in an  
23 opposition thereto.

24 11. No other dates will be affected by this requested change.

25 12. For the above stated reasons, the parties jointly request that the parties be allowed to  
26 take the following depositions by May 6, 2011:

- Rule 30(b)(6) deposition of San Francisco Police Department on Topics #1-6 and consistent with the limitations in the Court's October 19, 2010 Order.
- Dr. Mark Shapiro
- Dr. Mark Kimmel
- Roger Clark
- Don Cameron
- Dr. Charles Syers
- Dr. Joanna Berg

The parties further request that the date for filing dispositive motion be postponed until May 19, 2011, with the hearing on May 26, 2011 at 10:00 a.m.

**IT IS SO STIPULATED.**

Dated: January 14, 2011

DENNIS J. HERRERA  
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JOANNE HOEPER  
Chief Trial Deputy  
SEAN F. CONNOLLY  
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Deputy City Attorneys

By: \_\_\_\_\_  
WARREN METLITZKY  
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Attorneys for Defendants CITY AND COUNTY OF  
SAN FRANCISCO, et al.

Dated: January 14, 2011

LAW OFFICES OF MATTHEW C. MANNI

By: \_\_\_\_\_  
MATTHEW C. MANI

Attorneys for Plaintiffs  
SHAWN MYERS and SARAH MYERS

1 Dated: January 14, 2011

ROBERT CHEASTY, ESQ.

2 By: \_\_\_\_\_

3 ROBERT CHEASTY, ESQ.

4 Attorneys for JAMAL JACKSON and JANNIE  
5 MENDEZ

6 Pursuant to General Order 45, §X.B., the filer of this  
7 document attests that he has received the concurrence of  
8 this signatory to file this document.

9 **ORDER**

10 Based on the above stipulation, and for good cause appearing, IT IS ORDERED that the  
11 parties be permitted to take the following depositions by May 6, 2011:

- 12 • Rule 30(b)(6) deposition of San Francisco Police Department on Topics #1-6 and  
13 consistent with the limitations in the Court's October 19, 2010 Order.
- 14 • Dr. Mark Shapiro
- 15 • Dr. Mark Kimmel
- 16 • Roger Clark
- 17 • Don Cameron
- 18 • Dr. Charles Syers
- 19 • Dr. Joanna Berg

20 IT IS FURTHER ORDERED that the date for filing dispositive motion be postponed until  
21 May 13, 2011, or such time convenient for the Court.

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23  
24  
25 Dated: January 19, 2011 \_\_\_\_\_

26   
27 THE HONORABLE MARIA ELENA JAMES  
28 UNITED STATES MAGISTRATE JUDGE