

1 Alan P. Jacobus, No. 206954
 Vance A. Woodward, No. 231730
 2 **CARROLL, BURDICK & McDONOUGH LLP**
 Attorneys at Law
 3 44 Montgomery Street, Suite 400
 San Francisco, CA 94104
 4 Telephone: 415.989.5900
 Facsimile: 415.989.0932
 5 Email: ajacobus@cbmlaw.com
 vwoodward@cbmlaw.com

6 Attorneys for Plaintiff
 7 HAROLD BLACK

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

11 HAROLD BLACK,
 12 Plaintiff,
 13 v.
 14 JOHN E. POTTER, Postmaster
 General,
 15 Defendant.

No. C 08-1344 SI
**STIPULATION AND [PROPOSED] ORDER TO
 MODIFY DEADLINES**

17 Plaintiff and Defendant, by and through their undersigned attorneys, hereby
 18 enter into the following stipulation and request its approval by the Court.

19 WHEREAS the fact discovery cut-off has been set as February 27, 2010, and
 20 WHEREAS the current deadline to move for summary judgment is March 19,
 21 2010, with opposition papers due April 2, 2010, and reply papers due April 9, 2010, and
 22 hearing set for April 23, 2010 at 9:00 a.m., and

23 WHEREAS the parties believe they have in good faith and with good progress
 24 proceeded with the exchange of written discovery and the taking of depositions, and

25 WHEREAS the parties submitted a stipulation and proposed order to modify
 26 discovery and motion deadlines on February 26, 2010 (Docket 57), one day before the
 27 discovery cut off and before the completion of a deposition being taken that same day, and
 28

1 WHEREAS partly based on evidence developed during the deposition taken on
2 February 26, 2010, the parties now seek to take three more depositions, and

3 WHEREAS the defendant has requested a further short extension of time (to
4 March 10, 2010) to respond to written questions in lieu of a rule 30(b)(6) deposition on
5 certain topics beyond what was requested in the parties' stipulation of February 26, 2010,

6 ACCORDINGLY, the parties agree and request the Court to modify the case
7 management schedule as follows so as to afford them sufficient time to take three
8 additional depositions and prepare summary judgment motions:

- 9 ➤ **Non-Expert Discovery Cutoff**: Move from 2/27/10 to **4/30/10**.
- 10 ➤ **Deadline to Bring Fact-Discovery Motions**: **5/14/10**.
- 11 ➤ **Deadline to File MSJs**: Move from 3/19/10 to **5/28/10**.
- 12 ➤ **Deadline to File Oppositions to MSJs**: From 4/2/10 to **6/11/10**.
- 13 ➤ **Deadline to File Replies in Support of MSJs**: From 4/9/10 to **6/18/10**.
- 14 ➤ **Hearing on MSJs**: Move from 4/23/10 to **7/16/10, at 9:00 am**.
- 15 ➤ **Designation of Experts**: Move from 5/7/10 to **8/6/10**.
- 16 ➤ **Designation of Rebuttal Experts**: Move from 5/28/10 to **8/27/10**.
- 17 ➤ **Expert Discovery Cutoff**: Move from 6/18/10 to **9/17/10**.
- 18 ➤ **Pre-Trial Conference Date**: Move from 8/10/10 to **11/9/10, at 3:30 pm**.
- 19 ➤ **Jury Trial Date**: Move from 8/23/10 to **11/22/10, at 8:30 am**.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

1 Furthermore, the parties have mutually agreed upon any of the following three
2 Magistrate Judges to preside over a settlement conference: Edward M. Chen, Maria-Elena
3 James, and Elizabeth D. Laporte. To the extent schedules and the convenience of the
4 Court permit, the parties would request the case be referred to one of the three foregoing
5 Magistrate Judges for the settlement conference, to be held sometime between 7/16/10
6 and 8/6/10.

7 Dated: March 8, 2010

CARROLL, BURDICK & McDONOUGH LLP

8 By _____ /s/
9 Vance A. Woodward
10 Alan P. Jacobus

11 Attorneys for Plaintiff
12 HAROLD BLACK

13 Dated: March 8, 2010

U.S. ATTORNEY

14 By _____ /s/
15 Michael T. Pyle
16 Joseph P. Russoniello

17 Attorneys for Defendant
18 JOHN E. POTTER, POSTMASTER GENERAL

19 PURSUANT TO STIPULATION,
20 IT IS SO ORDERED.

21 DATED: _____



22 Judge Susan Illston
23 United States District Judge