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<p>Jivaka Candappa (SBN 225919) LAW OFFICE OF JIVAKA CANDAPPA 46 Shattuck Square, Suite 15 Berkeley, California 94704 Telephone: (510) 981-1808 Facsimile: (510) 981-1817</p> <p>Attorney for Plaintiffs DEARMAND E., MICHAEL H., and NICHOLAS P.</p>	<p>Jenny C. Huang (SBN 223596) JUSTICE FIRST, LLP 2831 Telegraph Avenue Oakland, CA 94609 Telephone: (510) 628-0695 Facsimile: (510) 272-0711</p> <p>Attorneys for Plaintiffs DEARMAND E., MICHAEL H., and NICHOLAS P.</p>
<p>James V. Fitzgerald, III (SBN 55632) Noah G. Blechman (SBN 197167) MCNAMARA, DODGE, NEY, BEATTY, SLATTERY, PFALZER, BORGES &amp; BROTHERS LLP 1211 Newell Avenue Walnut Creek, California 94596 Telephone: (925) 939-5330 Facsimile: (925) 939-0203</p> <p>Attorneys for Defendants CITY OF ANTIOCH, ANTIOCH POLICE DEPARTMENT, JAMES HYDE, OFFICER JAMES VINCENT, OFFICER LEROY BLOXSOM, OFFICER PFEIFFER, OFFICER M. ZEPEDA, SERGEANT KEVIN ROGERS, and OFFICER R. SOLARI</p>	<p>Timothy P. Murphy (SBN 120920) Dolores M. Donohoe (SBN 111432) EDRINGTON, SCHIRMER &amp; MURPHY LLP 2300 Contra Costa Blvd., Suite 450 Pleasant Hill, California 94523 Telephone: (925) 827-3300 Facsimile: (925) 827-3320</p> <p>Attorneys for Defendants ANTIOCH UNIFIED SCHOOL DISTRICT, DEBORAH SIMS, JO ELLA ALLEN, ROBERT BRAVO, ANDY CANNON, RON LEONE, and BUKKY OYEBADE</p>

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEARMAND E., a minor, by and through  
DEARMAND ELLIS, JR., his father/legal  
guardian; MICHAEL H., a minor, by and  
through ONITA TUGGLES, his  
mother/legal guardian; and NICHOLAS P.,  
a minor, by and through BETTINA  
LAWRENCE, his mother/legal guardian,

Plaintiffs,

vs.

CITY OF ANTIOCH; ANTIOCH POLICE  
DEPARTMENT; JAMES HYDE, Chief of  
Police, Antioch Police Department, in his  
individual and official capacities;

Case No. C08-01709 SI

**STIPULATION AND [PROPOSED]  
ORDER TO TAKE DEFENDANT CHIEF  
JAMES HYDE'S DEPOSITION AFTER  
THE DISCOVERY DEADLINE OF JUNE  
30, 2009**

TRIAL DATE: November 16, 2009  
JUDGE: Hon. Susan Illston

McNAMARA, DODGE, NEY, BEATTY, SLATTERY, PFALZER, BORGES & BROTHERS LLP  
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1 OFFICER JAMES VINCENT (#3747);  
2 OFFICER LEROY BLOXSOM (#2083);  
3 OFFICER PFEIFFER (#3707); OFFICER  
4 M. ZEPEDA (#4137); SERGEANT  
5 KEVIN ROGERS (#2464); OFFICER R.  
6 SOLARI (#2372), in their individual and  
7 official capacities; ANTIOCH UNIFIED  
8 SCHOOL DISTRICT; DEBORAH SIMS;  
9 ROBERT BRAVO; RON LEONE, in their  
10 individual and official capacities; JO ELLA  
11 ALLEN; ANDY CANNON, and BUKKY  
12 OYEBADE, in their individual capacity,  
13  
14 Defendants.

15 WHEREAS by Pretrial Order dated 8/26/08 (Docket No. 44), discovery deadlines were  
16 initially set in this case.

17 WHEREAS by Second Pretrial Order dated 4/15/09 (Docket No. 57), fact discovery is  
18 scheduled to close on June 30, 2009;

19 WHEREAS the parties intend to conduct depositions up and until the close of fact  
20 discovery on June 30, 2009;

21 WHEREAS the parties are diligently setting the depositions in this matter, which include  
22 approximately eleven party witnesses and numerous other witness depositions, set to occur from  
23 now up until the June 30<sup>th</sup> discovery cut off.

24 WHEREAS the parties have agreed that Defendant Chief Hyde's deposition may be  
25 deferred until after the fact discovery cut off of June 30<sup>th</sup> to facilitate his schedule, the schedule of  
26 defense counsel and the depositions schedule in this case;

27 WHEREAS the Federal Rules of Civil Procedure, Rule 29, provides that the parties may  
28 stipulate to extend the time for any form of discovery with Court approval;

IT IS HEREBY STIPULATED by all counsel that the deposition of Defendant Chief  
Hyde's deposition may be taken after the applicable discovery deadline of June 30, 2009.

DATED: May 19, 2009

By: /s/ Candappa, Jivaka

JIVAKA CANDAPPA  
Attorney for Plaintiffs  
DEARMAND E., MICHAEL H.,  
and NICHOLAS P.

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DATED: May 19, 2009

JUSTICE FIRST LLP

By: /s/ Huang, Jenny

JENNY HUANG

Attorneys for Plaintiffs

DEARMAND E., MICHAEL H., and

NICHOLAS P.

DATED: May 19, 2009

MCNAMARA, DODGE, NEY, BEATTY, SLATTERY,  
PFALZER, BORGES, & BROTHERS LLP

By:

JAMES V. FITZGERALD, III

NOAH G. BLECHMAN

Attorneys for Defendants

CITY OF ANTIOCH, ANTIOCH POLICE

DEPARTMENT, JAMES HYDE, OFFICER JAMES

VINCENT, OFFICER LEROY BLOXSOM,

OFFICER PFEIFFER, OFFICER M. ZEPEDA,

SERGEANT KEVIN ROGERS, and OFFICER R.

SOLARI

DATED: May 19, 2009

EDRINGTON, SCHIRMER & MURPHY LLP

By: /s/ Murphy, Tim P.

TIMOTHY P. MURPHY

DOLORES M. DONOHOE

Attorneys for Defendants

ANTIOCH UNIFIED SCHOOL DISTRICT,

DEBORAH SIMS, JO ELLA ALLEN, ROBERT

BRAVO, ANDY CANNON, RON LEONE, and

BUKKY OYEBADE

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: \_\_\_\_\_



THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT JUDGE