

1 Dennis J. Herrera, City Attorney (SBN 139669)
 Joanne Hoepfer, Chief Trial Attorney (SBN 114961)
 2 Sean F. Connolly, Deputy City Attorney (SBN 152235)
 Warren Metlitzky, Deputy City Attorney (SBN 220758)
 3 Fox Plaza - 390 Market Street, 6th Floor
 San Francisco, California 94102-5408
 4 Telephone: (415) 554-3916
 Facsimile: (415) 554-3837
 5 E-Mail: warren.metlitzky@sfgov.org
 Attorneys for Defendants CITY AND COUNTY OF SAN FRANCISCO, ET AL.

6 Thomas F. Keating, Jr. (SBN 76972)
 7 FREITAS MCCARTHY MACMAHON & KEATING LLP
 1108 Fifth Avenue, Third Floor
 8 San Rafael, CA 94901
 Telephone: (415) 456-7500
 9 Facsimile: (415) 456-0266
 E-Mail: tkeating@freitaslaw.com

10 Matthew C. Mani (SBN 172629)
 11 LAW OFFICES OF MATTHEW C. MANI
 1108 Fifth Avenue, Suite 202
 12 San Rafael, CA 94901
 Telephone: (415)456-7800
 13 Facsimile (415)456-7801
 E-mail: mattmanilaw@yahoo.com

14 Attorneys for Plaintiffs SHAWN MYERS and SARAH MYERS

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF THE STATE OF CALIFORNIA

17 SHAWN MYERS and SARAH MYERS,

18 Plaintiffs,

19 vs.

20 CITY AND COUNTY OF SAN
 FRANCISCO; et al.

21 Defendants.

22
 23 JAMAL JACKSON; JANNIE MENDEZ

24 Plaintiffs

25 vs.

26 CITY AND COUNTY OF SAN
 FRANCISCO; et al.

27 Defendants.

Related Cases:
 Case No. C08-01163 MEJ
 Case No. C08-01916 MEJ

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND DATES FOR
 DISCOVERY AND EXPERT
 DISCLOSURE IN BOTH MYERS V
 CCSF AND JACKSON V. CCSF CASES**

Trial Date: Not set

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

4 All parties to both the Myers v. CCSF and Jackson v. CCSF related cases make this request
5 based on the following circumstances:

6 1. This matter has been joined with Case No. C-08-01163 MEJ, JAMAL JACKSON, et
7 al., v. THE CITY AND COUNTY OF SAN FRANCISCO, et al., for the purposes of discovery.
8 Preliminary written discovery has been completed. Despite having completed significant amounts of
9 discovery, given the number of witnesses, more depositions are required. The depositions of Plaintiff
10 Shawn Myers, of Plaintiff Sarah Myers and of Plaintiff Jamal Jackson have been taken. The
11 depositions of percipient witnesses Camille Bossenberry, Scott Burke, David Ginsburg and Jonathan
12 Dole have been completed. However, the depositions of the defendant officers and of Plaintiff Jannie
13 Mendez have had to be rescheduled, with completion anticipated in July or early August. Further the
14 depositions of several percipient witnesses, including Scott Burke's wife, Darlene, whose deposition
15 had to be rescheduled due to the length of her husband's session, as well as those of other percipient
16 witnesses, including two witnesses located in New Jersey, must still be conducted. The remaining
17 depositions, particularly the party depositions, are critical for the respective experts to be able to offer
18 opinions on the issues of the case. The parties engaged in a settlement conference in late January of
19 2010, where it became evident that settlement negotiations would not be fruitful until depositions
20 discovery transpired.

21 2. Counsel for Plaintiffs will be unavailable for the week of July 17-24, 2010, as he has a
22 trip with his children that was scheduled a year ago. These plans have been long set, and paid for,
23 with no ability to recover the vacation expense.

24 3. Counsel for Defendants is scheduled for a family vacation in early August of 2010 for
25 approximately two weeks.

26 4. Two of the percipient witnesses are located out of state, and the parties are in the
27 process of meeting and conferring regarding the taking of these persons' depositions. One out of

1 state witness traveled to California in May, and his deposition was taken at that time, eliminating that
2 expense. Unfortunately the remaining depositions will have to be conducted out of state.

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

6 6. The parties agree that more discovery is necessary to adequately evaluate their
7 respective cases, including which experts will be necessary should the matter proceed to trial. They
8 require additional time for the purpose of conducting this discovery. **No trial date has been set.**

9 For the aforementioned reasons, the parties jointly request all currently scheduled discovery
10 deadlines be extended. Currently, discovery closes on July 23, 2010. The parties request that the
11 close of discovery be extended to September 13, 2010, or further if more convenient for the Court.
12 The parties request that the date for exchange of expert disclosure information, currently scheduled
13 for June 25, 2010, be rescheduled for August 25, 2010. Finally, the parties jointly request that all
14 other deadlines be coordinated with the new dates for disclosure and for the close of discovery.
15 Motions are currently due on August 19, 2010, with hearings set for September 23 at 10:00 a.m. The
16 parties request that the last day to file dispositive motions dates be extended until October 13 with
17 hearings set for November 18, 2010.

18

19 **IT IS SO STIPULATED.**

20 Dated: June 25, 2010

Dennis J. Herrera, City Attorney
Joanne Hooper, Chief Trial Deputy
Sean F. Connolly, Deputy City Attorney
Warren Metlitzky, Deputy City Attorney

23

24 By: /s/
Warren Metlitzky, Deputy City Attorney
Attorneys for Defendants CITY AND COUNTY OF
25 SAN FRANCISCO, et al.

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June 25, 2010

LAW OFFICES OF MATTHEW C. MANI

By: /s/

MATTHEW C. MANI
Attorneys for Plaintiffs SHAWN MYERS and SARAH MYERS

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

Dated: June 25, 2010

CHEASTY & CHEASTY

By: /s/

ROBERT C. CHEASTY
Attorneys for Plaintiffs JAMAL JACKSON and JANNIE MENDEZ

ORDER

Based on the above stipulation, and for good cause appearing, IT IS ORDERED that in the above cases, the dates for disclosure of expert information and for the close of discovery be rescheduled. Disclosure of experts shall take place on August 25, 2010, and discovery shall close on September 13, 2010. Motions are due by October 14, 2010, and motion hearings shall take place on November 18, 2010 at 10:00 a.m./p.m.

Dated: June 30, 2010



THE HONORABLE MARIA-ELENA JAMES