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18 Attorneys for Defendant

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 HILTON I. WESLEY,  
 23 Plaintiff,  
 24 v.  
 25 ROBERT M. GATES, SECRETARY OF  
 26 THE U.S. DEPARTMENT OF DEFENSE,  
 DEFENSE CONTRACT AUDIT AGENCY,  
 27 Defendant.

Docket No. C-08-2719 SI  
 E-FILING CASE

**STIPULATION AND [PROPOSED]  
 ORDER TO PERMIT DEPOSITIONS OF  
 PLAINTIFF'S EXPERTS AFTER CLOSE  
 OF EXPERT DISCOVERY DEADLINE**

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

3 WHEREAS Plaintiff's two expert witnesses, Dr. Rajah and Dr. Mizra, were not  
4 available to be deposed prior to the expert discovery cut off date but are available at 2:00 p.m.  
5 on June 17, 2009 (Dr. Rajah) and 1:00 p.m. on June 29, 2009 (Dr. Mizra).

6 WHEREAS the depositions of Dr. Rajah and Dr. Mizra shall continue until 6:00 p.m.  
7 on the dates above and that Dr. Rajah and Dr. Mizra shall be made available on another date if  
8 the depositions cannot be completed by 6:00 p.m.

9 WHEREAS Defendant agrees to compensate Dr. Rajah and Dr. Mizra for the time  
10 spent at each deposition at the rate charged by each of them for deposition testimony.

11 WHEREAS the expert discovery cut off date is June 12, 2009.

12 WHEREAS the parties agree that testimony from these depositions may be used by  
13 either party in connection with briefing on summary judgment motions.

14 ACCORDINGLY, the parties hereby agree that the depositions of Plaintiff's two expert  
15 witnesses, Dr. Rajah and Dr. Mizra, shall be taken on the following dates and times: 2:00 p.m.  
16 on June 17, 2009 (Dr. Rajah) and 1:00 p.m. on June 29, 2009 (Dr. Mizra). The parties further  
17 agree that the depositions of Dr. Rajah and Dr. Mizra shall continue until 6:00 p.m. on the  
18 dates above and that Dr. Rajah and Dr. Mizra shall be made available on another date if the  
19 depositions cannot be completed by 6:00 p.m. Finally the parties agree that testimony from  
20 these depositions may be used by either party in connection with briefing on summary  
21 judgment motions.

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Respectfully submitted,

DATED: June 12, 2009

\_\_\_\_\_/s/  
WENDY MUSELL  
Stewart & Musell  
Attorneys for Plaintiff


JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: June 12, 2009

\_\_\_\_\_/s/  
MICHAEL T. PYLE  
Assistant U.S. Attorney  
Attorneys for Defendant

Pursuant to Stipulation, **IT IS SO ORDERED** that, notwithstanding the June 12, 2009 expert discovery cut off, the depositions of Plaintiff’s two expert witnesses, Dr. Rajah and Dr. Mizra, shall be taken on the following dates and times: 2:00 p.m. on June 17, 2009 (Dr. Rajah) and 1:00 p.m. on June 29, 2009 (Dr. Mizra). These depositions shall continue until 6:00 p.m. on the dates above and Dr. Rajah and Dr. Mizra shall be made available on another date if the depositions cannot be completed by 6:00 p.m. Defendant shall compensate Dr. Rajah and Dr. Mizra for the time spent at each deposition at the rate charged by each of them for deposition testimony. Testimony from these depositions may be used by either party in connection with briefing on summary judgment motions.

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

  
\_\_\_\_\_  
The Honorable Susan Illston  
United States District Court Judge