

1 JAMES M. SCHURZ (CA SBN 145874)  
 JSchurz@mofo.com  
 2 ROBERT T. PETRAGLIA (CA SBN 264849)  
 RPetraglia@mofo.com  
 3 MORRISON & FOERSTER LLP  
 425 Market Street  
 4 San Francisco, California 94105-2482  
 Telephone: 415.268.7000  
 5 Facsimile: 415.268.7522

6 Attorneys for Plaintiffs  
 HANS K. ASHBAUCHER  
 7 JOHNIE C. MILLER  
 KIMBERLY L. STARR

8 Nancy K. Delaney, SBN 70617  
 9 Nicholas R. Kloeppe, SBN 186165  
 MITCHELL, BRISSO, DELANEY & VRIEZE, LLP  
 10 Attorneys at Law  
 814 Seventh Street  
 11 P. O. Drawer 1008  
 Eureka, CA 95502  
 12 Tel: (707) 443-5643  
 Fax: (707) 444-9586

13 Attorneys for Defendants  
 14 CITY OF ARCATA  
 HUMBOLDT COUNTY  
 15

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION  
 19

20 HANS ASHBAUCHER, et al.,

21 Plaintiffs,

22 v.

23 CITY OF ARCATA, et al.,

24 Defendants.  
 25

Case No. 08-cv-2840 EMC

**STIPULATION FOR EXTENSION  
 OF DISCOVERY DEADLINES**

ORDER

1 Pursuant to Northern District Local Rules 7-12 and 6-2, counsel for Plaintiffs  
2 Hans K. Ashbaucher, Johnie C. Miller, and Kimberly L. Starr and counsel for  
3 Defendants City of Arcata and Humboldt County hereby submit this Stipulation and  
4 Proposed Order to extend the fact discovery cut-off, and to extend the deadlines for the  
5 expert reports, expert rebuttal reports, and the expert discovery cut-off.

6 This is the Parties first request to alter the deadlines set forth in the Case  
7 Management Order adopted by this Court on October 28, 2011. (Dkt. 186)

8 The Parties are engaged in settlement negotiations which are contingent upon the  
9 adoption of revised ordinances and regulations by the City of Arcata.

10 After meeting and conferring regarding settlement and discovery issues, the Parties  
11 agree that a limited extension of the discovery deadlines is appropriate to allow the City of  
12 Arcata to promulgate revised ordinances and regulations, and to allow Plaintiffs time to  
13 review said ordinances and regulations.

14 A limited extension of the discovery deadlines will enable the Parties to resolve  
15 the case efficiently, without the considerable cost of completing the discovery process;  
16 while preventing prejudice to either party should settlement negotiations ultimately be  
17 unsuccessful.

18 Furthermore, the expert witnesses Plaintiffs retains will not be able to complete the  
19 expert report by the current deadline without production of outstanding discovery.

20 IT IS HEREBY STIPULATED AND AGREED by the Parties, by and through  
21 their respective counsel, that:

22 1. The case management dates related to discovery are to be reset as follows:

<b>Event</b>	<b>Current Deadline</b>	<b>Stipulated Deadline</b>
Fact discovery cut-off	April 30, 2012	May 25, 2012
Expert reports	April 30, 2012	May 25, 2012
Expert rebuttal reports	May 21, 2012	June 15, 2012
Expert discovery cut-off	June 11, 2012	July 1, 2012

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

2. None of the other case management dates are altered by this stipulation.

Dated: April 10, 2012

JAMES M. SCHURZ  
ROBERT T. PETRAGLIA  
MORRISON & FOERSTER LLP

By:           /s/ Robert T. Petraglia            
ROBERT PETRAGLIA

Attorneys for Plaintiffs  
HANS ASHBAUCHER  
JOHNIE MILLER  
KIMBERLY STARR

Dated: April 10, 2012

NICHOLAS R. KLOEPPEL  
NANCY K. DELANEY  
MITCHELL, BRISSO, DELANEY & VRIEZE

By:           /s/ Nicholas R. Kloeppel            
NICHOLAS R. KLOEPPEL

Attorneys for Defendants  
CITY OF ARCATA  
HUMBOLDT COUNTY

**PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

Date:           4/10/12          



The Honorable Edward M. Chen