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6 Attorneys for Defendants
 CITY OF ANTIOCH; CITY OF ANTIOCH POLICE
 7 DEPARTMENT; POLICE CHIEF JAMES HYDE; OFFICER
 SANTIAGO MARTINEZ, JR.; OFFICER JASON
 8 VANDERPOOL; OFFICER JASON JOANNINDES; SGT.
 THOMAS FUHRMANN

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11
 12 MARVETIA LYNN RICHARDSON;
 13 LATOYA NORMAN; SAMONIA
 NELSON-CALIP; and LAMONA
 14 NELSON as guardian ad litem for "KC", a
 minor,

15 Plaintiffs,

16 vs.

17 CITY OF ANTIOCH et al.

18 Defendants.
 19

Case No. CV08-3470 JSW

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING PRETRIAL
 DEADLINES**

Judge: Hon. Jeffrey S. White
 Dept: Courtroom 2, 17th Floor (SF)

Trial: September 20, 2010
 PTC: August 30, 2010

20 IT IS HEREBY STIPULATED between the parties as follows:

21 WHEREAS by Pretrial Order ("Order") dated 10/20/09 (Document No. 35), discovery
 22 deadlines, a dispositive motion hearing deadline, pretrial and trial dates were initially set in this
 23 case;

24 WHEREAS per that Order, fact discovery is set to close on January 22, 2010, and expert
 25 discovery is set to close on April 9, 2010. The trial of this matter is currently set for September
 26 20, 2010, and the pretrial conference is set for August 30, 2010. Though no expert disclosure
 27 deadlines were included in the Order, at the case management conference, the Court agreed with
 28 the parties' proposed deadlines and ordered the disclosure of experts on February 12, 2010, and

STIPULATION AND ORDER CONTINUING
 PRETRIAL DEADLINES- CV08-3470 JSW

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1 rebuttal disclosure on March 12, 2010, though this has not been formally memorialized by the
2 Court in any order;

3 WHEREAS a further case management conference is set in this matter for March 12,
4 2010, with a joint statement due one week prior;

5 WHEREAS the parties have run into some unforeseen discovery setbacks in this matter
6 due to no fault of their own. The unavailability of several Defendant officers around the 2009
7 holidays in December to complete their prior depositions, Defendants being unable to locate three
8 witnesses to the incident for deposition despite exhaustive efforts, as well as the trial schedule of
9 the undersigned lead trial counsel for Defendants, as further explained below.

10 WHEREAS discovery depositions could not be had or scheduled in the latter half of
11 November due to the trial by the undersigned defense counsel with Judge Illston in the matter of
12 *DeArmand E. et al. v. City of Antioch et al.* (C08-01709 SI) (hereafter “*DeArmand case*”), trial of
13 which was scheduled to begin on November 16, 2009, which resolved after selection of the jury,
14 and depositions could not occur in early November due to expert and other depositions being
15 finalized in that *DeArmand* matter.

16 WHEREAS the undersigned defense counsel is set for a two plus week civil rights
17 wrongful death trial before Hon. Judge Maria-Elena James on January 11, 2010, in the matter of
18 *Stringer et al. v. City of San Pablo, et al.*, (C07-3544 MEJ) (“*Stringer case*”), a matter that will
19 not resolve and the Court has indicated will likely be going forward on that date. The trial date in
20 *Stringer* is the third such trial setting in that case.

21 WHEREAS due to the Thanksgiving and December holidays, as well as the fact that the
22 two undersigned defense counsel will both be in trial for most of January 2010, discovery in this
23 above entitled action cannot feasibly be completed by the current deadline of January 22, 2010,
24 despite the parties’ best efforts. Plaintiffs need to complete the depositions of two named
25 officers, to take Chief Hyde’s deposition and also to take the depositions of persons most
26 knowledgeable of Defendants on various topics. Defendants have taken all of the Plaintiffs’
27 depositions and both parties likely have only a few third-party witness depositions to complete.

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1 WHEREAS counsel on both sides of this matter have met and conferred and have agreed
 2 to a proposed plan to continue several of the discovery deadlines so as to not impact the
 3 dispositive motion deadlines, the pretrial conference and trial dates to allow time for the
 4 completion of this necessary discovery.

5 WHEREAS the parties have not previously continued any of the discovery deadlines in
 6 this matter and this is the first such request.


7 Good cause is present to briefly extend the currently set discovery deadlines as follows:

<u>Deadline Description</u>	<u>Current Date</u>	<u>Proposed Modified Date</u>
Close of Non-Expert Discovery	1-22-10	2-26-10
Expert Disclosure	2-12-10	3-10-10
Rebuttal Expert Disclosure	3-12-10	3-22-10
Case Management Conference	3-12-10	No change.
Close of Expert Discovery	4-9-10	4-16-10
Last Day to Hear Dispositive Motions	6-18-10	No change.
Pretrial Conference	8-30-10	No change.
Trial Date	9-20-10	No change.

17 **IT IS SO STIPULATED.**

18 Dated: January 4, 2010

19 McNAMARA, DODGE, NEY, BEATTY, SLATTERY,
 20 PFALZER, BORGES & BROTHERS LLP

21 By: 
 22 James V. Fitzgerald, III / Noah G. Blechman
 23 Attorneys for Defendants
 24 CITY OF ANTIOCH; CITY OF ANTIOCH POLICE
 25 DEPARTMENT; POLICE CHIEF JAMES HYDE;
 26 OFFICER SANTIAGO MARTINEZ, JR.; OFFICER
 27 JASON VANDERPOOL; OFFICER JASON
 28 JOANNINDES; SGT. THOMAS FUHRMANN

25 Dated: January __, 2010

MEIS & ASSOCIATES

26 By: See attached
 27 Fred Meis
 28 Quinton B. Cutlip
 Attorneys for Plaintiffs

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PFALZER, BORGES & BROTHERS LLP

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21 Attorneys for Defendants
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25 JASON VANDERPOOL; OFFICER JASON
26 JOANNINDES; SGT. THOMAS FUHRMANN

25 Dated: January 4, 2010

MEIS & ASSOCIATES

26 By: _____
Fred Meis
Quinton B. Cutlip
Attorneys for Plaintiffs

ORDER

The parties proposed schedule agreed to herein shall be ordered as follows:

<u>Deadline Description</u>	<u>New Deadline</u>
Close of Non-Expert Discovery	2-26-10
Expert Disclosure	3-10-10
Rebuttal Expert Disclosure	3-22-10
Further Case Management Conference	No change (3-12-10).
Close of Expert Discovery	4-16-10
Last Day to Hear Dispositive Motions	No change (6-18-10).
Pretrial Conference	No change (8-30-10).
Trial Date	No change (9-20-10).

IT IS SO ORDERED.

Dated: January 5, 2010

By: 

Honorable Hon. Jeffrey S. White
United States District Court Judge

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