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

22 LARAE BROWN,
 23 Plaintiff,

24 v.

25 CITY OF OAKLAND, a municipal
 26 corporation; DEBORAH EDGERLY, in her
 official capacity as the City Administrator
 27 for the CITY OF OAKLAND; DOES 1
 through 25, inclusive,

28 Defendants.

Case No. C08-03972 VRW

Complaint Filed: 8/20/2008

Amended Complaint Filed: 3/12/2009

**STIPULATION TO EXTEND
 DISCOVERY CUT-OFF AND
~~PROPOSED~~ ORDER EXTENDING
 DISCOVERY CUT-OFF**

1 Plaintiff LaRae Brown, Defendant City of Oakland, and Defendant Deborah Edgerly
2 (collectively the "Parties") through their respective counsel stipulate as follows:

3 WHEREAS, pursuant to this Court's order dated November 5, 2010, the non-expert
4 discovery cut-off date was continued from October 29, 2010 to January 10, 2011 due to
5 difficulties experienced by the Parties in finding mutually available dates for key depositions, as
6 described in the prior stipulation of the Parties dated October 25, 2010;

7 WHEREAS, the Parties have been working cooperatively and diligently in trying to
8 schedule depositions for mutually available dates;

9 WHEREAS, the Parties have completed one day of the deposition of plaintiff LaRae
10 Brown;

11 WHEREAS, due to ongoing availability issues, the Parties have, despite reasonable and
12 good faith efforts, been unable to find mutually convenient dates prior to the current non-expert
13 discovery cut-off date of January 10, 2011 to complete the depositions of plaintiff LaRae Brown
14 and certain other key witnesses;

15 WHEREAS, after extensive consultation among themselves, the Parties have tentatively
16 agreed upon the following schedule for the completion of said depositions:

17 January 21, 2011: Bill Noland

18 January 24, 2011: Cheryl Taylor and Terry Adelman

19 January 28, 2011: LaRae Brown (second day)

20 February 1, 2011: Deborah Edgerly

21 This scheduling is subject to the schedule of defendant Deborah Edgerly's lead counsel
22 Gary Lafayette, who is currently scheduled to be in trial in the Superior Court of California,
23 Fresno County, in a multi-plaintiff sexual harassment case beginning on January 18, 2011. If the
24 trial proceeds as scheduled, at least one of the above dates may need to be rescheduled, in which
25 case the Parties have agreed to work cooperatively and diligently to select new date(s) as
26 necessary. Further, three of the witnesses listed above (Noland, Taylor and Adelman) are not, or
27 will imminently no longer be, under the control of any party to this action and therefore must be
28 subpoenaed.

1 WHEREAS, the Parties continue to believe that it is to their best interests to conduct
2 limited discovery of the aforementioned five witnesses and then proceed to mediation to try to
3 resolve this litigation;

4 WHEREAS, the Parties plan to go to mediation by the end of March 2011;

5 WHEREAS, the Parties stipulate to continue the non-expert discovery cut-off date from
6 January 10, 2011 to February 15, 2011; and

7 WHEREAS, the Parties agree that if this case is not resolved during mediation, the Parties
8 will provide the Court with a new proposed pretrial scheduling and to complete any remaining
9 discovery;

10 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

11 That the non-expert discovery cut-off date be continued from January 10, 2011 to
12 February 15, 2011; and

13 That if this case is not resolved during mediation, the Parties will provide the Court with a
14 new proposed pretrial scheduling and to complete the remaining discovery.

15 Respectfully submitted,

16 Dated: January 5, 2011

LAFAYETTE & KUMAGAI LLP

17 /s/ Michael J. Eng

18 MICHAEL J. ENG
19 Attorneys for Defendant
DEBORAH EDGERLY

20 Dated: January 5, 2011

RUIZ & SPEROW, LLP

21 /s/ Jonathan D. Martin

22 JONATHAN D. MARTIN
23 Attorneys for Defendant
CITY OF OAKLAND

24 Dated: January 5, 2011

LAW OFFICES OF JOHN L. BURRIS

25 /s/ John L. Burris

26 JOHN L. BURRIS
27 Attorney for Plaintiff
28 LARAE BROWN

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ORDER

PURSUANT TO THE STIPULATION BETWEEN THE PARTIES IT IS HEREBY ORDERED:

The non-expert discovery cut-off date of January 10, 2011 is continued to February 15, 2011. If this case is not resolved during mediation, the Parties will provide the Court with a new proposed pretrial scheduling and to complete any remaining discovery.

IT IS SO ORDERED.

Date: January 6, 2011

