Njenga v. San Mateo County et al

v. Sa	n Mateo County et al			
	Case3:08-cv-04019-EDL Docun	nent29 Filed06/04/	09 Page1 of 4	
1 2 3 4 5 6 7 8 9 10	 FANIA E. DAVIS, Esq., SBN: 87268 4100 Redwood Road #371 Oakland, California 94619 Telephone: 510.451.0104 Ext. 2 Facsimile: 510.451.5056 Email: faniad@earthlink.net Attorneys for Plaintiff WAITHIRA NJENGA John A. Shupe, Esq., SBN 87716 Eric. K. Shieu, Esq., SBN 156167 SHUPE AND FINKELSTEIN 177 Bovet Road, Suite 600 San Mateo, CA 94402 Telephone: 650.341.3693 Facsimile: 650.341.1395 Attorneys for Defendants 			
11	SAN MATEO COUNTY SUPERINTENDEN			
12	OF SCHOOLS, JEAN HOLBROOK, JEANNIE BOSLEY, CAROL PEX			
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14	UNITED STATES DISTRICT COURT			
15	FOR THE NORTHERN DISTRICT OF CALIFORNIA			
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19	WAITHIRA NJENGA,	Case No: C08-0401	9 EDL	
20	Plaintiff,	STIPULATION A	ND [P ROPOSED]	
21	vs.	ORDER TO MODIFY CASE MANAGEMENT ORDER		
22	SAN MATEO COUNTY SUPERINTENDEN	[FRCP 16(b)(4)]		
23	OF SCHOOLS; JEAN HOLBROOK, In Her Individual and Official Capacities; JEANNIE			
24	BOSLEY, In Her Individual and Official Capacities; CAROL PEX, In Her Individual			
25	And Official Capacities; and DOES 1			
26	THROUGH 10, Defendants.			
27	Derendants.			
28]		
	STIPULATION TO MODIFY CASE MANAGEMENT ORDER			

CASE NO. C08-04019 EDL

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Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff Waithira Njenga and Defendants San Mateo County Superintendent of Schools, Jeannie Bosley, and Jean Holbrook hereby stipulate as follows:

WHEREAS, the parties enter into this stipulation to extend lay and expert discovery deadlines for good cause shown; and

WHEREAS, pursuant to the Court's May 15, 2009 Order Following Further Case Management Conference (and at the stipulated request of the parties), lay discovery cutoff was extended to June 5, 2009, dispositive motions filing cut-off to June 23, 2009, initial expert disclosures to August 11, 2009, expert discovery cut-off to September 8, 2009, with pretrial conference and trial remaining scheduled on October 20, 2009 and November 9, 2009; and

WHEREAS, since the recent Further Case Management Conference, the parties have met and conferred and come to partial agreement about a discovery dispute, exchanged nearly 2000 pages of documents, engaged in five depositions, and submitted part of a remaining discovery dispute to the Court for in camera review; and

WHEREAS, there remains a discovery dispute about the discoverability of information related to legal claims of discrimination against Defendants still to be resolved; and

WHEREAS, Plaintiff has begun but is unable to complete the depositions of Defendants until completion of the Court's in camera review; and

WHEREAS, the parties experienced delays in locating approximately four additional witnesses whose depositions still need to be taken; and

WHEREAS, there was a delay in completing the last three hours of Plaintiff's deposition because of clerical error and because of Plaintiff's mental health status which remains delicate; and

WHEREAS, it has become clear to the parties that, despite diligent efforts, their stipulated request to extend lay discovery to June 5, 2009 (rather selecting the later dates and time frame so graciously offered by the Court at the time), was based upon an overly optimistic assessment; and

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NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, based

on the foregoing circumstances, to beseech the Court again to modify its Case Management Order for good cause to vacate the November 9, 2009 trial date, as well as the other deadlines and dates in the current scheduling order, to assign a new trial date in March 2010, and establish the following additional scheduling dates:

Fact discovery Cut-OffAugust 31, 2009Initial Expert DisclosureSeptember 15, 2009Rebuttal Expert DisclosuresSeptember 30, 2009Expert Discovery Cut-OffOctober 23, 2009Dispositive Motion HearingDecember 15, 2009Pre-Trial Conference DateFebruary 19, 2010

DATED: June 4, 2009

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DATED: June 4, 2009

/s/ FANIA E. DAVIS Attorney for Plaintiff WAITHIRA NJENGA

/s/ JOHN SHUPE SHUPE AND FINKELSTEIN Attorneys for Defendants SAN MATEO COUNTY SUPERTINTENDENT OF SCHOOLS

The pretrial conference is scheduled for February 16, 2010. Trial IT IS SO ORDERED. is scheduled for March 8, 2010.

DATED:	June 15	, 2009
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12	LATES DISTRICT CO.
	IT IS SO ORDERED
ELIZABE	TISSO D. Lant
ELIZABE	Judge Elizabeth D. Laporte
· · · · ·	V DISTRICT OF

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