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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAITHIRA NJENGA,

No. C-08-04019 EDL

Plaintiff,

**ORDER RE: SEPTEMBER 16, 2009
STIPULATION TO MODIFY CASE
MANAGEMENT ORDER**

v.

SAN MATEO COUNTY,

Defendant.

On September 16, 2009, the parties filed a Stipulation to Modify Case Management Order, seeking to extend fact and expert discovery deadlines. The Court has previously extended the fact and expert discovery deadlines twice, and the pretrial conference and trial once. The parties have shown good cause for further extension of the discovery cutoff dates, but the Court modifies the parties' proposed discovery deadlines as follows.

The parties seek to extend the fact discovery cutoff to December 1, 2009 solely to complete the three depositions referenced in the stipulation. However, the Court notes that the dispositive motion hearing date in this matter is December 15, 2009, which means that any dispositive motion would have to be filed no later than November 10, 2009. Therefore, the fact discovery cutoff is extended to December 1, 2009 for the purpose of taking the three depositions specified in the stipulation provided that the parties are still able to meet their dispositive motion filing obligations.

The liability expert discovery deadlines proposed by the parties are adopted by the Court. Initial liability expert disclosures shall be made no later than September 30, 2009, rebuttal liability expert disclosures shall be made no later than October 15, 2009, and the liability expert discovery cutoff date is October 30, 2009. The Court notes, however, that expert disclosures are simultaneous, and that disclosure of rebuttal experts is limited to circumstances where one side discloses a type of

1 expert that the other side did not, but would like to.

2 The damages expert discovery deadlines proposed by the parties are modified in light of the
3 parties' pretrial filing obligations. The pretrial conference in this matter is February 16, 2010.
4 Pursuant to the Court's November 25, 2008 Case Management and Pretrial Order for Jury Trial, the
5 parties must begin meeting and conferring regarding pretrial matters at least thirty days in advance
6 of the pretrial conference, and must begin filing pretrial materials at least twenty days before the
7 pretrial conference. Here, the parties propose a damages expert discovery cutoff date that is only
8 one day before the pretrial conference, which will make it impossible for the parties to meet their
9 pretrial filing obligations. Therefore, the Court modifies the damages expert discovery deadlines as
10 follows to provide the parties with time to meet their pretrial obligations: initial damages expert
11 disclosures shall be made no later than January 7, 2010, rebuttal damages expert disclosures (if there
12 are any true rebuttal experts as described above) shall be made no later than January 13, 2010, and
13 the damages expert discovery cutoff date is January 25, 2010.

14 The pretrial conference remains scheduled for February 16, 2010, and the trial remains
15 scheduled for March 8, 2010. In all other respects, the Court's November 25, 2008 Case
16 Management and Pretrial Order for Jury Trial remains in effect.

17 **IT IS SO ORDERED.**

18 Dated: September 17, 2009

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

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