

1 MORIS DAVIDOVITZ, ESQ. (State Bar #70581)  
 CHARLES BOLCOM, ESQ. (State Bar #193762)  
 2 COREAL RIDAY-WHITE, ESQ. (State Bar #267732)  
 DAVIDOVITZ & BENNETT LLP  
 3 One Embarcadero Center, Suite 750  
 San Francisco, California 94111  
 4 Telephone: (415) 956-4800  
 Facsimile: (415) 788-5948

5 Attorneys for Defendant, Counter-Claimant and Cross-Claimant  
 6 CITY OF EUREKA

7  
 8 **IN THE UNITED STATES DISTRICT COURT**  
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10  
 11 KFD ENTERPRISES, INC., a California  
 Corporation dba Norman's Dry Cleaner,

12 Plaintiff,

13 v.

14 CITY OF EUREKA,

15 Defendant.

16  
 17 \_\_\_\_\_  
 CITY OF EUREKA,

18  
 19 Counter-Claimant and Third-Party Plaintiff

20 vs.

21 KFD ENTERPRISES, INC., a California  
 Corporation dba Normans Dry Cleaner, Unocal  
 22 Corporation et al.,

23 Cross-Defendants and Third Party  
 Defendants  
 24 \_\_\_\_\_

CASE NO. CV-08-4571 MMC

**~~PROPOSED~~ ORDER AND STIP-  
 ULATION FOR EXTENDING THE  
 DEADLINE TO COMPEL FURTHER  
 EXPERT DEPOSITION TIME OF  
 PLAINTIFF'S EXPERT PETER  
 KRASNOFF**

[Fed. R. Civ. Proc. 37(b), 26(b)(4)],  
 [CIVIL L.R. 6-2(a)(b), 7-12, 37-3]

25 Pursuant to Civil Local Rules 6-2(a), 6-2(b), 7-12, and 37-3, and Federal Rules of Civil  
 26 Procedure 37(b), and 26(b)(4), Plaintiff KFD Enterprises, Inc. ("KFD"), and Defendant, Cross-  
 27 Claimant, Counter-Claimant and Cross-Defendant City of Eureka ("City"), hereby stipulate as  
 28



1 follows:

2 1. Pursuant to L.R. 6-2(a)(2), there have been thirteen time modifications in the case; two  
3 of which have changed the expert discovery deadline; there has been no previous modification to the  
4 deadline to file a motion to compel expert discovery specific to Peter Krasnoff alone.

5 2. The expert deposition of Peter Krasnoff started on April 3, 2013. KFD and the  
6 defendants have been negotiating additional time to depose Mr. Krasnoff since December 2012.  
7 Recently, the parties scheduled a second day of testimony, to take place on June 5, 2013. Rather than  
8 bring a motion for additional time in excess of one additional day before the fact, the City seeks the  
9 right to ask for additional time past the second day if, upon its competition, the City believes further  
10 additional time is needed to fairly examine Mr. Krasnoff.

11 3. The Court's Order pursuant to stipulation adopted on January 4, 2013 (Doc. No. 578)  
12 set a deadline of May 24, 2013 to file motions regarding expert discovery. Accordingly, the current  
13 deadline for the City to file a motion to compel expert discovery is almost two weeks before Mr.  
14 Krasnoff's deposition.

15 4. The City has sought a continuation of the trial date and all pre-trial dates, including the  
16 deadline to bring a motion regarding expert discovery. However, pursuant to Court Order Re:  
17 Briefing On Motion to Continue Trial Date, dated May 14, 2013 (Doc. No. 594), the Court will not  
18 hear argument on the City's request to extend pre-trial deadlines and the trial date until May 30,  
19 2013, almost a week after the current deadline to file a motion regarding expert discovery.

20 5. In the event that the Court declines to grant the City's request to extend the pre-trial  
21 dates, including the deadline to bring a motion regarding expert discovery, the City hereby reserves  
22 its right to bring a motion regarding additional time to depose expert Peter Krasnoff by this  
23 stipulation.

24 6. This proposed, limited extension of the expert discovery deadline regarding the  
25 deposition testimony of expert Peter Krasnoff will not alter any other deadlines in the case.  
26 Moreover, any order changing the pre-trial dates granted by the Court will take precedence over this  
27 stipulation.

28 THEREFORE, the parties hereby agree, subject to the Court's approval, to the following

1 stipulated order;

2 1. The deadline to file a motion regarding further deposition testimony of expert  
3 Peter Krasnoff will be extended from May 24, 2013 to June 14, 2013.

4 DATED: May 22, 2013

DAVIDOVITZ & BENNETT LLP

6  
7 By: /s/  
8 MORIS DAVIDOVITZ  
9 CHARLES BOLCOM  
10 COREAL RIDAY-WHITE  
11 Attorneys for Defendant, Counter-  
12 Claimant and Cross-Claimant CITY OF  
13 EUREKA

(The filer hereby attests that concurrence in the  
filing of this document has been obtained from the  
signatories below.)

13 DATED: May 22, 2013

GREBEN & ASSOCIATES

14  
15 By /s/  
16 JAN GREBEN  
17 BRETT BOON  
18 Attorneys for Plaintiff KFD  
19 ENTERPRISES, INC. and Cross-  
20 Defendant KENNETH DAER

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 DATED: May 23, 2013

23   
24 MAXINE M. CHESNEY  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28