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GARD  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11  
12 URIAH DACH, DECEASED, THROUGH  
HIS SUCCESSORS IN INTEREST,  
13 TIMOTHY DACH AND ELAINE DACH;  
TIMOTHY DACH, Individually; and  
14 ELAINE DACH, Individually,  
15  
Plaintiffs,  
16  
vs.  
17 CITY OF RICHMOND, et al.,  
18  
Defendants.

Case No. C09-00171 JL

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING DISCOVERY  
DEADLINES**

Trial Date: July 25, 2011

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,  
21 through their respective counsel of record, and approved by the Court in the accompanying Order,  
22 as follows:

- 23 1. WHEREAS per Amended Case Management and Pretrial Order (Document 41), e-filed  
24 on September 10, 2010, the following deadlines are currently set by the Court in this  
25 matter:  
26  
27

28 ///

<u>Deadline Description</u>	<u>Current Date</u>
Close of Non-Expert Discovery	January 14, 2011
Expert Disclosure	January 14, 2011
Rebuttal Expert Disclosure	No current deadline
Close of Expert Discovery	April 15, 2011
Dispositive Motion Hearing Date	May 25, 2011
Pretrial Conference	July 6, 2011
Trial Date	July 25, 2011

2. WHEREAS the parties have diligently litigated this matter since discovery opened in this case, including exchanging initial disclosures, exchanging written discovery, subpoenaing extensive records and taking and defending numerous fact related depositions.
3. WHEREAS the parties have also performed limited expert discovery to include production of brief opinion reports and limited depositions of experts of the Plaintiffs, along with the deposition of the coroner who initially performed Decedent's autopsy.
4. WHEREAS the parties have also attended two settlement conferences with Judge Vadas, though this matter has not resolved.
5. WHEREAS additional discovery is needed by all parties to prepare this matter for trial, including additional depositions. Several depositions may need to be taken in Southern California and Defendants are in the process of trying to identify and serve such deponents.
6. WHEREAS due to the upcoming Thanksgiving holiday, plus an upcoming two week trial by lead defense counsel with Judge Jeffrey White in the matter of *Johnson/Horton v. City of Antioch et al.* (U.S.D.C, C09-03153 JSW), slated to begin on December 6, 2010 (with jury selection likely starting on December 1<sup>st</sup>), and the upcoming Christmas holidays, it is likely that the parties will not be able to complete the necessary discovery for trial by the current deadline of January 14, 2011.

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7. WHEREAS the parties are hereby requesting a brief extension of the non-expert discovery deadline, the expert disclosure deadline and to set a deadline for disclosure of rebuttal experts based upon the above stated good cause.
8. WHEREAS this is the first request for such extension of such deadlines and this request by the parties will not affect the close of expert discovery deadline, the dispositive motion deadlines, the pretrial conference nor the trial date.
9. WHEREAS good cause has been demonstrated by the parties to continue the current discovery deadlines in this case as follows:

<u>Deadline Description</u>	<u>Current Date</u>	<u>Proposed Modified Date</u>
Close of Non-Expert Discovery	January 14, 2011	February 18, 2011
Expert Disclosure	January 14, 2011	February 25, 2011
Rebuttal Expert Disclosure	No current deadline	March 11, 2011
Close of Expert Discovery	April 15, 2011	No change.
Dispositive Motion Hearing Date	May 25, 2011	No change.
Pretrial Conference	July 6, 2011	No change.
Trial Date	July 25, 2011	No change.

**IT IS SO STIPULATED**

Dated: November 8, 2010                      McNAMARA, DODGE, NEY, BEATTY, SLATTERY,  
 PFALZER, BORGES & BROTHERS LLP

By: /s/ James V. Fitzgerald, III  
 James V. Fitzgerald, III / Noah G. Blechman  
 Attorneys for Defendants  
 CITY OF RICHMOND, POLICE OFFICERS LOUIE  
 TIRONA, JOHN BRUCE, CHRISTOPHER  
 DECIOUS, AND OFFICER GARD

HADDAD & SHERWIN

Dated: November 8, 2010                      By: /s/ Michael J. Haddad  
 Michael J. Haddad / Julia Sherwin  
 Attorneys for Plaintiffs

**ORDER**

Good cause having been shown by the parties, the Court hereby continues the currently set discovery deadlines as follows per the New Date/Deadline section (in bold) below. All other aspects of the Amended Case Management and Pretrial Order (Document 41), e-filed on September 10, 2010, remain in effect and are only modified per the effect of these new deadlines listed below in conjunction with the Amended Case Management and Pretrial Order.

<b><u>Deadline Description</u></b>	<b><u>Current Date</u></b>	<b><u>New Date/Deadline</u></b>
Close of Non-Expert Discovery	January 14, 2011	<b>February 18, 2011</b>
Expert Disclosure	January 14, 2011	<b>February 25, 2011</b>
Rebuttal Expert Disclosure	No current deadline	<b>March 11, 2011</b>
Close of Expert Discovery	April 15, 2011	<b>No change.</b>
Dispositive Motion Hearing Date	May 25, 2011	<b>No change.</b>
Pretrial Conference	July 6, 2011	<b>No change.</b>
Trial Date	July 25, 2011	<b>No change.</b>

**IT IS SO ORDERED.**

Dated: November 10, \_\_\_\_\_, 2010

By: \_\_\_\_\_

  
Honorable James Larson  
United States Magistrate Judge