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10 Attorneys for Defendant
 11 BAYER HEALTHCARE LLC

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

16 LAVON HILL, JR.,
 17 Plaintiff,

18 vs.

20 BAYER HEALTHCARE LLC.
 21 Defendant

) Case No.: CV 09-00235 JSW

) **JOINT STIPULATION FOR**
) **ENLARGEMENT OF TIME TO**
) **COMPLETE PERCIPIENT DISCOVERY**
) **AND ORDER THEREON**

24 Pursuant to Civ. L.R. 7-12, the parties to the above-captioned action, by and through their
 25 undersigned counsel, hereby request the Court to approve the following Stipulation to extend the
 26 time within which Non-Expert Discovery must be completed and to an enter an Order on same.
 27
 28

1 **IT IS HEREBY STIPULATED** by Plaintiff LAVON HILL and Defendant BAYER
2 HEALTHCARE LLC, that the time for completion of Non-Expert discovery shall be extended
3 from November 6, 2009 to January 12, 2010, based upon the following reasons:

4 1. This cause was filed in Alameda County Superior Court on December 18, 2008 and
5 thereafter removed to this Court on January 20, 2009. On May 1, 2009, the parties appeared
6 before this Court for an Initial Case Management Conference at which time the parties agreed to
7 refer the matter to Early Neutral Evaluation. Notice of Appointment of Evaluator was issued on
8 May 6, 2009.

9 2. Pursuant to notice, the parties participated in the ENE session on June 17, 2009. The
10 Evaluator maintained jurisdiction thereafter and continued to conduct the ADR process through
11 several telephone conferences and requests of the parties to exchange information. Such efforts
12 are continuing. While the ADR process has been actively underway, the parties agreed to
13 postpone the setting of depositions. Written discovery was propounded by Plaintiff upon
14 Defendant, including Requests for Production of Documents. At Defendant's request, Plaintiff
15 extended the time for responding to said discovery in order to allow Defendant sufficient time to
16 search and collect responsive documents. On September 24, 2009, Defendant produced almost
17 900 pages of documents and has indicated that additional responsive documents will be produced
18 over the next two weeks. Defendant, at the same time, served upon Plaintiff its first round of
19 written discovery requests, including Interrogatories and Requests for Production of Documents,
20 and has also issued records subpoenas on Plaintiff's healthcare providers.

21 3. Counsel have been conferring on the setting of depositions. It is anticipated that
22 approximately eight fact depositions will need to be taken. Such depositions can not be taken
23 efficiently until all responses to written discovery, together with responsive documents, have
24 been served, and there has been compliance with the third-party subpoenas. The parties have
25 been working cooperatively through the discovery process and it is expected that the deposition
26 scheduling will also proceed amicably upon the completion of the document discovery and
27 assuming the relief sought herein is granted.

28 4. Plaintiff's counsel has long been scheduled for trial in Humboldt County Superior
Court in a case entitled *Richard Homem v. Humboldt Creamery Association*, which has been

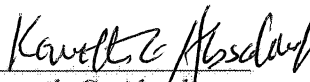
1 continued by the Court five times since the initial trial date was set in October 2008. A Trial
2 Readiness Conference was conducted on October 5, 2009 and the trial in that matter has now
3 been confirmed for October 19, 2009 and is expected to last into late November of this year.
4 Thus, Plaintiff's lead counsel in the within case will be in trial for the next several weeks.

5 5. For all the above reasons, counsel and the parties agree it will be exceptionally
6 difficult, if not impossible, to complete the Non-Expert Discovery by the current deadline of
7 November 6, 2009. Accordingly, the parties are requesting the Court to approve their Stipulation
8 to extend the date for completion of fact discovery only from November 6, 2009 to January 12,
9 2010, the same date by which expert disclosures are to be made. This extension will not affect
10 the trial date or any other date for completion of pre-trial matters. Counsel and the parties also
11 agree that all discovery necessary for completion of expert disclosures will be scheduled in
12 sufficient time to ensure that the date for such expert disclosures will not be affected.

13 **IT IS SO STIPULATED:**

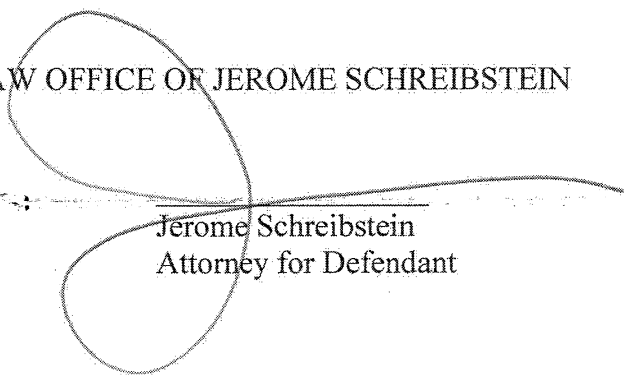
14 LAW OFFICES OF NEVIN & ABSALOM

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16 Dated: 10/6/2009

17 
18 Kenneth C. Absalom
19 Attorneys for Plaintiff

20 LAW OFFICE OF JEROME SCHREIBSTEIN

21 Dated: 10.6.09

22 
23 Jerome Schreiberstein
24 Attorney for Defendant

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

26
27 Dated: October 7, 2009

28 
JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE