Do	C.	33
	υ.	00

ayer	HealthCare LLC					
	Case3:09-cv-00235-JSW	Document32	Filed12/31/09	Page1 of 4		
1 2	KENNETH C. ABSALOM (SBN 114607) Law Offices of Nevin & Absalom					
3	22 Battery Street, Suite 333 San Francisco Ca. 94111 Tel: 415-392-5040					
4	Fax: 415-392-3729					
5	Attorneys for Plaintiff					
6	JEROME SCHREIBSTEIN (SBN: 154051) LAW OFFICE OF JEROME SCHREIBSTEIN					
7	Embarcadero Center West 275 Battery Street, Eighteenth Floor					
8	San Francisco, CA 94111 Telephone: (415) 875-3355					
9	Facsimile: (415) 358-9885					
10 11	Attorneys for Defendant BAYER HEALTHCARE LLC					
12	IN THE UNITED STATES DISTRICT COURT					
13	FOR THE NORTHERN DISTRICT OF CALIFORNIA					
14						
15						
16	LAVON HILL, JR.,) Case]	No.: CV 09-0023	5 JSW		
17	Plaintiff,)) JOIN	T STIPULATIO	N AND		
18	VS.) [PRO) [PROPOSED] ORDER TO MODIFY) CASE MANAGEMETN DATES	R TO MODIFY		
19)				
20	BAYER HEALTHCARE LLC.)				
21	Defendant)				
22)				
23						
24	Pursuant to Civ. L.R. 7-12, the parties to the above-captioned action, by and through their					
25	undersigned counsel, hereby request that this Court approve the following Stipulation to modify					
26	certain case management dates so that the parties may complete percipient and expect discovery,					
27 28						
	JOINT STIPULATION AND [PROPOSED] ORDER TO MODIFY CASE MANAGEMENT DATES (CASE NO. CV-09-00235 JSW) - 1 -					

adjudicate dispositive motions, and retain original Pre-trial Conference and Trial dates to the 2 extent necessary.

IT IS HEREBY STIPULATED by Plaintiff Lavon Hill and Defendant Bayer HealthCare LLC (Bayer) that the Court ought to set the following schedule in this matter: Last Day for Expert Disclosures: 2.5.2010

Last Day for Rebuttal Expert Disclosures: 2.19.2010

Close of Expert Discovery: 3.5.2010

Close of Non-Expert Discovery: 2.12.2010

Last Day to Hear Dispositive Motions: Friday, 3.26.2010 [or, in the alternative, 3.19.2010] at 9:00 a.m. (opening briefs shall be filed no later than 35 calendar days before the day set for hearing; opposing briefs shall be filed no later than 21 calendar days before the day set for hearing; reply briefs shall be filed no later than 14 calendar days before the day set for hearing).

GOOD CAUSE FOR THIS REQUESTED ORDER EXISTS FOR THE

FOLLOWING REASONS:

1. The parties have worked cooperatively in conducting discovery in this matter and have not required any resort to the Court to resolve any discovery disputes. To date, the parties have: timely completed initial disclosures, supplemented once by Bayer; conducted initial written discovery; entered into a Stipulated Protective Order re: Confidential Materials; and conducted Plaintiff's deposition, completed pending certain additional document disclosure.

2. The parties contemplate the following additional discovery:

(a) Deposition of Dr. Douglas Chin, a treating physician of Plaintiff, on 1.11.2010;

(b) A Site Inspection of Bayer's premises, tentatively scheduled for 1.27.2010, the only date in January upon which Plaintiff's expert is available; and

The deposition of the following seven defense witnesses: (i) Chris Burns (a Bayer (c) supervisor and subject matter expert concerning aseptic processing), (ii) Dave Willis (a Bayer supervisor and subject matter expert concerning aseptic processing), (iii) Bob Russey (a Bayer Labor Relations Manager), (iv) Mary Foxall (a Bayer Occupational Health Nurse), (v) John (Jay)

JOINT STIPULATION AND TPROPOSED ORDER TO MODIFY CASE MANAGEMENT DATES (CASE NO. CV-09-00235 JSW) - 2 -

1

3

4

Mentz (a Bayer production supervisor), (vi) Peter Pawlik (a former Bayer manager), and (vii) Erin Royle (a Bayer Occupational Health Nurse).

3. The completion of this discovery has been made more challenging by the facts that (a) Plaintiff's lead counsel was involved in a trial in Humboldt County Superior Court from October 19, 2009 through November 20, 2009; (b) Bayer is under a year-end shutdown until January 4, 2010, and (c) the coincidence of the year-end holiday season. The parties believe that with the requested modification to the case management dates percipient and expert discovery can be timely completed without causing undue burden to the witnesses. Without the requested modifications, on the other hand, the parties believe there will be significant burden imposed upon the parties, witnesses and their counsel in an effort to comply with the current case management dates.

4. Both parties have expressed an interest in Mediation after additional percipient discovery has been conducted and the requested modification of case management dates will enable the conducting of a Mediation, which may result in complete resolution of this matter.

5. No party shall be prejudiced by this Order where the parties have stipulated to the new dates and this Court shall retain the originally set Pre-trial Conference and Trial Dates.

IT IS SO STIPULATED:

LAW OFFICES OF NEVIN & ABSALOM

Dated: 12.31.2009

<u>/S/</u> Kenneth C. Absalom Attorneys for Plaintiff

LAW OFFICE OF JEROME SCHREIBSTEIN

Dated: <u>12.31.2009</u>

<u>/S/</u> Jerome Schreibstein Attorney for Defendant

JOINT STIPULATION AND [PROPOSED] ORDER TO MODIFY CASE MANAGEMENT DATES (CASE NO. CV-09-00235 JSW)

	Case3:09-cv-00235-JSW Document32 Filed12/31/09 Page4 of 4				
1					
2					
3 4	PURSUANT TO STIPULATION AND GOOD CAUSE OTHERWISE APPEARING, THE COURT SETS THE FOLLOWING CASE MANAGEMETN DATES IN THIS MATTER:				
5	Last Day for Expert Disclosure: 2.5.2010				
6 7	Last Day for Rebuttal Expert Disclosure: 2.19.2010				
8	Close of Expert Discovery: 3.5.2010				
9	Close of Non-Expert Discovery: 2.12.2010				
10	Last Day to Hear Dispositive Motions: Friday, 3.26.2010-[3.19.2010] at 9:00 a.m. (opening				
11	briefs shall be filed no later than 35 calendar days before the day set for hearing; opposing briefs shall be filed no later than 21 calendar days before the day set for hearing; reply briefs shall be				
12	filed no later than 14 calendar days before the day set for hearing).				
13	IT IS SO ORDERED				
14	Dated: January 4, 2010				
15 16	HON. JEAREY S. WHITE UNITED STATES DISTRICT JUDGE				
10					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
	JOINT STIPULATION AND [PROPOSED] ORDER TO MODIFY CASE MANAGEMENT DATES (CASE NO. CV-09-00235 JSW)				
LOJS/1055647/	7376491v.1 - 4 -				