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CITY OF CONCORD AND OFFICER B. COLLINS

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 JOSE O. ROCHIN,  
12 Plaintiff,  
13 vs.  
14 CITY OF CONCORD, OFFICER B.  
COLLINS, and DOES 1 through 20,  
15 inclusive,  
16 Defendants.

Case No. CV 09-0758 JL

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING CASE  
MANAGEMENT DEADLINES**

Action Filed: 2/25/2009

Trial Date: 11/15/10

17  
18 IT IS HEREBY STIPULATED between the parties as follows:

19 WHEREAS by Case Management and Pretrial Order ("Order") dated 8/13/09 (Document  
20 No. 25), non-expert and expert discovery deadlines and the pretrial and trial dates were also  
21 initially set in this case;

22 WHEREAS per that Order, fact discovery is scheduled to close on April 2, 2010, expert  
23 disclosures are due April 16, 2010 (per separate order), the expert discovery deadline is June 4,  
24 2010, and dispositive motions should be heard per the regular notice requirements. The trial of  
25 this matter is set for November 15, 2010, and the final pretrial conference is set for October 27,  
26 2010 per the Order;

27 WHEREAS the parties have diligently, in good faith and cooperation proceeded with  
28 discovery in this matter. The parties have exchanged initial disclosures, written discovery has

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1 been exchanged, both sides have produced numerous documents and are actively taking party and  
 2 witness depositions. Several officer depositions are currently calendared for the first two weeks  
 3 of March and witness depositions are tentatively scheduled for middle of March. In addition,  
 4 Plaintiff's counsel has agreed to allow Plaintiff to under an IME by Defendants which is set to go  
 5 forward on April 1, 2010.

6 WHEREAS due to the recent trial of defense counsel in the latter half of January 2010, in  
 7 the matter of *Stringer et al. v. City of San Pablo, et al*, (C07-3544 MEJ) ("*Stringer case*"), other  
 8 pending matters of defense counsel had to be set for February 2010, making February 2010  
 9 essentially unavailable for discovery in this case.

10 WHEREAS this matter has already undergone a mediation on November 10, 2009, and a  
 11 follow up mediation is set for April 8, 2010, in this matter.

12 WHEREAS counsel on both sides of this matter have met and conferred to come up with  
 13 a revised schedule to the Court's Order in relation to such discovery issues, a plan that will not  
 14 impact the pretrial conference or the trial date. In addition, it is highly unlikely that any party will  
 15 be filing a dispositive motion in this matter which should allow the parties some additional  
 16 flexibility with this schedule.

17 WHEREAS the parties have not previously continued the discovery dates included in the  
 18 Court's Order at any time.

19 Good cause is present to extend the currently set deadlines as follows:

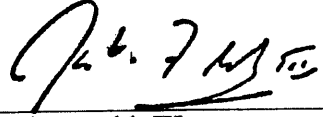
<u>Deadline Description</u>	<u>Current Date</u>	<u>Proposed Modified Date</u>
21 Close of Non-Expert Discovery	April 2, 2010	June 4, 2010
22 Expert Disclosure	April 16, 2010	June 18, 2010
23 Rebuttal Expert Disclosure	No current deadline	July 1, 2010
24 Close of Expert Discovery	June 4, 2010	July 30, 2010
25 Dispositive Motion Hearing Date	No hearing deadline.	No change.
26 Pretrial Conference	October 27, 2010	No change.
27 Trial Date	November 15, 2010	No change.

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**IT IS SO STIPULATED.**

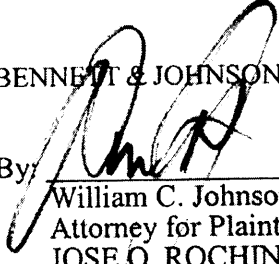
Dated: February 17, 2010

MCNAMARA, DODGE, NEY, BEATTY, SLATTERY,  
 PFALZER, BORGES & BROTHERS LLP

By:   
 James V. Fitzgerald, III  
 Noah G. Blechman  
 Attorneys for Defendants  
 CITY OF CONCORD AND OFFICER B. COLLINS

Dated: February 17, 2010

BENNETT & JOHNSON, LLP

By:   
 William C. Johnson  
 Attorney for Plaintiff  
 JOSE O. ROCHIN

**ORDER**

The parties have demonstrated good cause to modify the Court's original Case Management Order of August 13, 2009 (Document No. 25), as follows:

<u>Deadline Description</u>	<u>New Deadline Date</u>
Close of Non-Expert Discovery	June 4, 2010
Expert Disclosure	June 18, 2010
Rebuttal Expert Disclosure	July 1, 2010
Close of Expert Discovery	July 30, 2010
Dispositive Motion Hearing Date	No change (no hearing deadline).
Pretrial Conference	No change (October 27, 2010).
Trial Date	No change (November 15, 2010).

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

Dated: February 22, 2010

By:   
 Honorable James Larson  
 United States District Court Magistrate Judge