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8 Attorneys for Plaintiffs

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 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12	THE ESTATE OF JERRY A. AMARO III;	)	CASE NO: C09-01019 WHA
13	GERALDINE MONTOYA; STEPHANIE	)	
14	MONTOYA;	)	<b>STIPULATION AND <del>PROPOSED</del></b>
15	Plaintiffs,	)	<b>ORDER EXTENDING DEADLINES FOR</b>
16	vs.	)	<b>REGARDING EXPERT DISCLOSURES</b>
17		)	<b>AND EXPERT DISCOVERY</b>
18	CITY OF OAKLAND; et al.,	)	<b>WITH MODIFICATIONS</b>
19	Defendants.	)	
20		)	

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 22  
 23 **Stip. And ~~Proposed~~ Order Extending Deadlines Regarding Expert Disclosures/Discovery**  
 24 **Estate of Amaro v. City of Oakland, Case No. C09-01019 WHA**

1           WHEREAS, counsel for the parties have been working cooperatively to complete the fact  
2 discovery in accord with the December 13, 2009, fact discovery cut-off date;

3           WHEREAS, despite the diligence of counsel, pertinent records concerning the case are  
4 still subject to long outstanding records subpoenas to third parties who have not yet produced the  
5 records as they continue to search their records to comply with the subpoenas, including, but not  
6 limited to, the Alameda County Coroner's Office (autopsy and investigation records regarding  
7 the death of Mr. Amaro); the City of San Leandro, Hollywood Video and the Social Security  
8 Administration (wage and earnings records for Mr. Amaro); and the Social Security  
9 Administration (disability records concerning Plaintiff Geraldine Montoya);

10           WHEREAS, additional evidence of critical importance to the case was just recently  
11 located, including, but not limited to, x-ray films taken of the decedent's body within days of his  
12 death; portions of the OPD homicide investigation and witness statements;

13           WHEREAS, said additional evidence will need to be reviewed and evaluated by experts  
14 retained by all parties in order for them to make their expert evaluations and prepare their Rule  
15 26 expert reports;

16           WHEREAS, counsel anticipate scheduling problems in completing the expert disclosures  
17 and reports in a timely manner by December 31, 2009, because of the aforesaid outstanding  
18 records subpoenas, the recently discovered evidence and because the retained experts will have  
19 scheduling issues over the late December 2009 holidays,;

20           WHEREAS, the parties fully understand that the Court requires strict compliance with  
21 the scheduled trial date and other pretrial preparation deadlines and are not requesting  
22 adjustments of the deadlines set forth in the Court's Case Management Conference Statement of

23           **Stip. And Proposed Order Extending Deadlines Regarding Expert Disclosures/Discovery**  
24           **Estate of Amaro v. City of Oakland, Case No. C09-01019 WHA**

1 June 9, 2009, other than the expert deadlines set forth below which will still permit them to  
2 comply with the remainder of the Court's deadlines;

3 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF  
4 RECORD, DO HEREBY STIPULATE AND AGREE THAT: the deadlines for Rule 26 expert  
5 disclosures and reports should be extended and modified as follows:

6 1. Deadline for Opening Rule 26 Expert Disclosures and Reports extended from  
7 December 31, 2009, to January 11, 2010;

8 2. Deadline for Opposition Expert Reports extended from January 14, 2010, to January  
9 25, 2010;

10 3. Deadline for Rebuttal Expert Reports extended from January 21, 2010, to February 1,  
11 2009;

12 4. Deadline for Completion of Expert Discovery extended from February 4, 2009, to  
13 February 15, 2009.

14 5. All other deadlines to remain the same as stated in the Case Management Order.

15 IT IS SO STIPULATED:

16  
17 Dated: December 4, 2009 \_\_\_\_\_/S/\_\_\_\_\_  
18 JOHN L. BURRIS  
Attorney for Plaintiffs

19 Dated: December 4, 2009 \_\_\_\_\_/S/\_\_\_\_\_  
20 JAMES B. CHANIN  
Attorney for Plaintiffs

21 Dated: December 4, 2009 \_\_\_\_\_/S/\_\_\_\_\_  
22 STEPHEN Q. ROWELL  
Attorney for City of Oakland Defendants

23 **Stip. And Proposed Order Extending Deadlines Regarding Expert Disclosures/Discovery**  
24 **Estate of Amaro v. City of Oakland, Case No. C09-01019 WHA**

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Dated: December 4, 2009

\_\_\_\_\_/S/\_\_\_\_\_  
JOHN VERBER  
Attorney for Defendant Edward Poulson

While the stipulation is approved, the parties are reminded that the deadlines set forth in the case management order will *not* be changed for any reason related to the stipulated extension of these discovery deadlines. The last date for filing dispositive motions, the date of the final pretrial conference, and the date for trial remain unchanged. The parties must prepare for trial.

**IT IS SO ORDERED.**

Date: December 4, 2009.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

