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8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 TROY ALAN ELLER,
 12
 13 Plaintiff,

Case No.: C 09-01094 TEH

14 v.

**STIPULATION AND ORDER FOR A
 LIMITED EXTENSION OF THE
 DISCOVERY CUTOFF DATE**

15 CITY OF SANTA ROSA, a chartered
 16 city; SANTA ROSA POLICE DEPT., a
 police agency; KYLE PHILP, an
 17 individual and officer of the SANTA
 ROSA POLICE DEPT.; TOMMY
 18 ISACHSEN, an individual and officer of
 the SANTA ROSA POLICE DEPT.;
 19 SANTA ROSA MEMORIAL
 20 HOSPITAL, a California corporation;
 MARK DRAFTON, an individual; and
 21 DOES 1 through 25, inclusive,

22 Defendants.
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25
 26 Pursuant to Federal Rule of Civil Procedure 29 and Civil Local Rule 6-1(b), Plaintiff Troy
 27 Alan Eller and Defendants City of Santa Rosa, Santa Rosa Police Department, Kyle Philp,
 28 Tommy Isachsen each stipulate and request an extension of the Discovery Cutoff date for the
 limited purpose of permitting the parties to schedule one deposition beyond the March 29, 2010

STIPULATED ORDER FOR A LIMITED EXTENSION OF THE DISCOVERY CUTOFF DATE

TAXMAN WAKEFORD
 NORTHERN CALIFORNIA LITIGATION ASSOCIATES
 300 Montgomery Street, Suite 660
 San Francisco, California 94104

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2 discovery cutoff date. Specifically, the parties request an Order setting April 15, 2010 as the date
3 on which the parties must complete the deposition of Lieutenant Nolan, the person designated by
4 the Defendant Santa Rosa Police Department to testify on its behalf. All other non-expert
5 discovery will be completed by today, March 29, 2010, as specified in the Order for Pretrial
6 Preparation.

7 Good cause exists to permit the parties to schedule this deposition beyond the March 29,
8 2010 discovery cutoff date, as follows:

9 **Lieutenant Nolan is Currently Out of the County and Unavailable for Deposition**
10 **Until After the Close of Discovery on March 29, 2010:**

11 Plaintiff timely noticed the deposition of Defendant Santa Rosa Police Department for
12 March 26, 2010. The Santa Rosa Police Department, (“SRPD”), subsequently determined that
13 Lieutenant Nolan is the person most knowledgeable to testify on its behalf on the topics
14 identified in the deposition notice. Lieutenant Nolan, however, could not be deposed on March
15 26, 2010 because he was out of the county on a previously scheduled vacation. Officer Nolan is
16 not scheduled to return from vacation until April 9, 2010. (Wesley Decl. ¶ 3.) As a result,
17 Officer Nolan is not available for deposition until after the March 29, 2010 discovery cutoff date.

18 Defendant SRPD timely notified Plaintiff of these facts. In response, Plaintiff and the
19 SRPD conferred, and mutually agreed to seek a stipulated order permitting the parties to schedule
20 Lieutenant Nolan’s deposition on a date after the discovery cutoff date, but no later than April 15,
21 2010. (Wesley Decl. ¶ 4.)

22 Good cause exists for permitting a limited extension of the discovery cutoff date for the
23 sole purpose of allowing the parties to schedule Lieutenant Nolan’s deposition after March 29,
24 2010, By allowing the parties to schedule Lieutenant Nolan’s deposition as requested, the parties
25 are assured that the person most knowledgeable will in fact be the person designated to testify on
26 behalf of the SRPD. This will also avoid the costly necessity of designating another individual to
27 testify on behalf of the SRPD, who will need time to become educated and knowledgeable on
28 these topics – a situation all parties wish to avoid. Consequently, the parties agree and stipulate
to request an Order permitting the parties to schedule Lieutenant Nolan’s deposition on a date
after the discovery cutoff date, but before April 15, 2010. (Wesley Decl. ¶ 5.)

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The undersigned attorneys of record for the various parties to this action each certify that they are fully authorized by the party or parties represented to agree to and enter into this stipulation to extend the discovery cutoff date for the limited purpose of scheduling the deposition of Lieutenant Nolan on a date beyond the March 29, 2010 discovery cutoff date. Accordingly, the parties respectfully request that the Court approve and enter this Stipulation for a limited extension of the discovery cutoff date from March 29, 2010 to April 15, 2010 for the limited purpose of taking depositions of Lieutenant Nolan.

Dated: March 29, 2010

TAXMAN WAKEFORD

By: _____

Wesley Wakeford
Attorneys for Plaintiff
Troy A. Eller

Dated: March 29, 2010

OFFICE OF THE CITY ATTORNEY

By: _____

John J. Fritsch
Attorney for Defendants City of
Santa Rosa, Santa Rosa Police
Department, Kyle Philp and
Tommy Isachsen

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 04/05/10 _____

Honorable Th _____
United States _____
Judge Thelton E. Henderson

