



1 Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff Freddie M. Davis and  
2 Defendants Prison Health Services, Sheriff's Department, County Of Alameda, Leonore Gilbert,  
3 Linda Henson, Bill Wilson, James E. Ayala, and Darryl Griffith hereby stipulate as follows:

4 WHEREAS, the Court's Case Management Order has set the following schedule: Non-  
5 Expert Discovery Cut-Off, August 6, 2010; Dispositive Motion Filing, August 20, 2010;  
6 Dispositive Motion hearing, September 24, 2010 (Opposition Filing on September 3, 2010, and  
7 Reply Filing on September 10, 2010); Initial Expert Disclosure October 15, 2010; Rebuttal Expert  
8 Disclosures, November 5, 2010; Expert Discovery Cut-Off, November 30, 2010; Pre-Trial  
9 Filings, December 31, 2010; Pre-Trial Conference, January 18, 2011; Trial, February 7, 2011; and

10 WHEREAS, the parties enter into this stipulation to modify the Case Management Order  
11 for good cause shown; and

12 WHEREAS, since November 2009, Plaintiff has been meeting and conferring with the  
13 National Labor Relations Board (NLRB) pursuant to applicable administrative procedures to  
14 obtain key documents pertaining to unfair labor charge proceedings which Plaintiff believes shed  
15 light on Defendants' alleged unlawful motives, and, on March 12, 2010, when the NLRB  
16 persisted in invoking the official information privilege and refused to produce the documents,  
17 Plaintiff served a subpoena upon the NLRB; and

18 WHEREAS, production of these documents has been further delayed in part because  
19 Defendant Alameda County objects to the NLRB subpoena; and

20 WHEREAS, the parties need additional time to complete the meet and confer process on  
21 the subpoena objection, and likely to move to compel discovery in connection with the subpoena  
22 served upon NLRB as well; and

23 WHEREAS, though the parties have already exchanged a voluminous amount of  
24 documents, totaling thousands of pages, including documents produced prior to removal during  
25 the state proceedings, Plaintiff has in the last months further propounded one request for  
26 production of documents to each of the five individual Defendants and one request to each of the  
27 two entity Defendants and received timely responses thereto; and

1           WHEREAS, Defendant PHS has served further Special Interrogatories, to which Plaintiff,  
2 has responded;

3           WHEREAS, the parties need additional time to complete a meet and confer process and  
4 may need to request Court intervention to assist in resolution of any discovery disputes arising in  
5 connection with the parties' recent discovery requests; and

6           WHEREAS, the parties are also in the process of meeting and conferring about dates to  
7 complete the deposition of Plaintiff and to take depositions of Defendants and of a number of  
8 defense and third-party witnesses; and

9           WHEREAS, the depositions cannot be completed prior to the current discovery cut-off of  
10 August 6, 2010, in part because of the need to obtain NLRB documents and resolve any written  
11 discovery disputes between the parties and in part because lead counsel for Plaintiff herein, Price  
12 and Associates, has lost two staff attorneys within the last month and is presently involved in a  
13 federal action, *Fobbs v. the City of Union City* C09-02723 PJH, in which the Court has ordered  
14 the parties to complete 37 depositions by the end of July in connection with a class certification  
15 motion; and

16           WHEREAS, the parties agree that they cannot complete further mediation until after they  
17 complete additional discovery; and

18           WHEREAS, Fania E. Davis, associate counsel in the within matter will be traveling out of  
19 the country and unavailable until late August and Darryl Parker, additional associate counsel  
20 based in Seattle, Washington, will be unavailable as well; and

21           WHEREAS, until additional discovery is completed, neither Plaintiff nor Defendant are in  
22 a position to file dispositive motions by the current due date of August 20, 2010; and

23           WHEREAS, the parties have not previously requested any modifications of the Case  
24 Management Order by stipulation;

25           **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, based  
26 on the foregoing circumstances, to request that the Court establish the following modified  
27 deadlines:

Discovery Cut-Off

December 10, 2010

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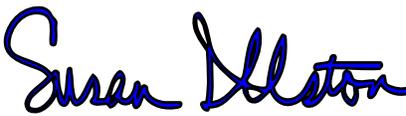
Complete Further Mediation	December 22, 2010
Dispositive Motion Filing	January 14, 2011
Dispositive Motion Opposition Due	January 28, 2011
Dispositive Motion Reply Due	February 4, 2011
Dispositive Motion Hearing	February 18, 2011
Expert Disclosures	February 28, 2011
Rebuttal Expert Disclosures	March 11, 2011
Expert Discovery Cut-Off	April 8, 2011
File Pretrial Pleadings	April 18, 2011
Final Pretrial Conference	May 3, 2011
Trial	May <del>25</del> <sup>31</sup> , 2011

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
PAMELA Y. PRICE  
PRICE AND ASSOCIATES  
Attorneys for Plaintiff  
FREDDIE M. DAVIS

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
NEDA N. DAL CIELO  
SUZANNE R. NESTOR  
LITTLER MENDELSON  
Attorneys for Defendants  
PRISON HEALTH SERVICES, BILL WILSON  
LENORE GILBERT and LINDA HENSON

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
J. RANDALL ANDRADA  
LYNNE G. STOCKER  
ANDRADA & ASSOCIATES  
Attorneys for Defendants  
COUNTY OF ALAMEDA, JAMES E. AYALA,

IT IS SO ORDERED.

Dated: \_\_\_\_\_  
  
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SUSAN ILLSTON  
United States District Judge