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22 MERCEDES DE SOUZA

23 UNITED STATE DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 (SAN FRANCISCO DIVISION)

26 MERCEDES DE SOUZA,)
27)
28 Plaintiff,)
29)
30 v.)
31)
32 THE REGENTS OF THE UNIVERSITY OF)
33 CALIFORNIA and MICHAEL ADAMS,)
34)
35 Defendant.)
36)

CASE NO. CV-09-2726-MEJ

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DATES**

37 This Stipulation to extend the discovery dates is entered into by and between Defendants
38 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA and MICHAEL ADAMS
39 (“Defendants”) and plaintiff MERCEDES DE SOUZA by and through their respective counsel,
40 with reference to the following facts:

41 1. WHEREAS, pursuant to the Case Management Order for this matter, expert

1 disclosures are to be completed by March 1, 2010, rebuttal expert witness disclosures are to be
2 completed by March 11, 2010 and all discovery shall be completed by March 26, 2010;

3 2. WHEREAS, pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure,
4 the Parties seek to modify the Case Management Order;

5 3. WHEREAS, the Parties have agreed to proceed with private mediation with
6 Jeffrey Ross in Oakland on February 10, 2010. In an effort to minimize litigation expenses prior
7 to mediation, the Parties have agreed to postpone continued discovery until after the mediation
8 on February 10. Should the case not settle at mediation, the Parties intend to continue with
9 discovery that will include, at the very least, depositions of named parties and additional written
10 discovery. The discovery after mediation, should mediation prove unsuccessful, will lead to the
11 discovery of admissible evidence at trial for which the Parties' respective expert witnesses will
12 likely consider and rely upon in formulating their respective opinions and conclusions. As the
13 continued discovery efforts of the Parties will continue past the current date for expert
14 disclosures (March 1, 2010), should the case not resolve at the mediation on February 10, 2010,
15 the Parties stipulate to continue the date to disclose experts to allow the Parties' respective
16 experts time to consider information obtained from the continued discovery;

17 5. WHEREAS, the Parties seek to extend the date to disclose experts. The Parties
18 further stipulate to extend subsequent pre-trial dates as affected by the extension of the date to
19 disclose experts;

20 6. WHEREAS, the Parties hereby stipulate and respectfully request the Court to
21 modify its September 17, 2009, Case Management Order to extend the pre-trial deadlines as
22 follows, or to dates thereafter convenient to the Court:

<u>Event</u>	<u>Current Date</u>	<u>Proposed Date</u>
Expert Disclosures:	March 1, 2010	April 30, 2010
Supplemental/Rebuttal Expert Disclosures:	March 11, 2010	May 12, 2010
Discovery Cut-Off:	March 26, 2010	May 26, 2010
Dispositive Motion Filing:	April 22, 2010	June 9, 2010
Dispositive Motion Hearing:	May 27, 2010	July 15, 2010

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7. WHEREAS, the Parties agree they will not suffer prejudice as a result of the extension of the discovery deadlines set forth above;

8. WHEREAS, the trial date remains the same;

9. This Stipulation to extend discovery dates may be executed by attorneys of record in separate parts with facsimile signatures acceptable.

SO STIPULATED.

Dated: January 6, 2010

GORDON & REES LLP

/ s /

By:

Michael T. Lucey
Jon C. Yonemitsu
Attorneys for Defendant THE
REGENTS OF THE UNIVERSITY OF
CALIFORNIA and MICHAEL ADAMS

Dated: January 6, 2010

LAW OFFICES OF RICHARD HOYER

/ s /

By:

Richard Hoyer
Attorney for Plaintiff
MERCEDED DE SOUZA

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the Parties, good cause appearing therefore, the following discovery pre-trial deadlines are extended as follows:

<u>Event</u>	<u>Current Date</u>	<u>Proposed Date</u>
Expert Disclosures:	March 1, 2010	April 30, 2010
Supplemental/Rebuttal Expert Disclosures:	March 11, 2010	May 12, 2010
Discovery Cut-Off:	March 26, 2010	May 26, 2010
Dispositive Motion Filing:	April 22, 2010	June 9, 2010
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IT IS SO ORDERED.

Dated: January 7, 2010



Chief Magistrate Judge Maria-Elena James