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6 Attorneys for Defendants  
 City of Antioch, Antioch Police Department, James Hyde,  
 7 Officer Adrian Gonzalez, Officer Aureliano Mendes, Officer  
 James Stenger, Officer Rick Smith

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10  
 11 JESSE JOHNSON and TIM HORTON,

Case No. C09-03153 JSW

12 Plaintiffs,

**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR LEAVE TO TAKE MORE  
 THAN TEN DEPOSITIONS**

13 vs.

Judge: Hon. Jeffrey S. White  
 Dept: Courtroom 11, 19<sup>th</sup> Floor (SF)

14 CITY OF ANTIOCH, ANTIOCH POLICE  
 15 DEPARTMENT, JAMES HYDE, Chief of  
 Police, Antioch Police Department, in his  
 16 individual and official capacities;  
 OFFICER ADRIAN GONZALEZ (#4336),  
 17 OFFICER AURELIANO MENDES (DOE  
 1) (#4111), OFFICER JAMES STENGER  
 18 (DOE 2) (#3604), OFFICER RICK SMITH  
 (DOE 3) (#2310), DOES 4 THROUGH 5,  
 19 in their individual and official capacities,

20 Defendant.

21  
 22 Plaintiffs Jesse Johnson and Tim Horton ("Plaintiffs"), and Defendants City of Antioch,  
 23 Antioch Police Department, Chief James Hyde, Corporal Rick Smith, and Officers Adrian  
 24 Gonzalez, James Stenger, and Aureliano Mendes ("Defendants") and through their respective  
 25 attorneys of record hereby stipulate to the following:

- 26 1. WHEREAS this matter is a civil rights case arising out of the detention and arrest  
 27 of two African-American males by officers of the Antioch Police Department;  
 28 2. WHEREAS Plaintiffs and Defendants have identified many potential witnesses

STIPULATION AND ORDER FOR LEAVE TO TAKE  
 MORE THAN 10 DEPOSITIONS – C09-03153 JSW

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1 during discovery;

2 3. WHEREAS additional potential witnesses have been identified during depositions  
3 taken on behalf of Plaintiffs and Defendants;

4 4. WHEREAS Plaintiffs and Defendants each anticipate that they will reach their  
5 statutory limit of 10 depositions before completing all discovery and taking all necessary  
6 depositions;

7 5. WHEREAS Plaintiffs and Defendants each desire to take additional depositions to  
8 adequately prepare their respective cases for trial;

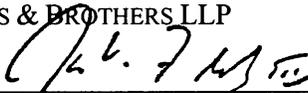
9 6. WHEREAS good cause exists to take additional depositions pursuant to F.R.C.P.  
10 30(a)(2)(A)(i);

11 7. Plaintiffs and Defendants hereby seek leave of the Court for an Order permitting  
12 them to take three additional depositions beyond the statutory limit of 10, for a total of 13  
13 depositions each for Plaintiffs and Defendants.

14 **IT IS SO STIPULATED**

15 Dated: May 6, 2010

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

16 By: 

17 James V. Fitzgerald, III / Noah G. Blechman  
18 Attorneys for Defendants  
19 City of Antioch, Antioch Police Department, James  
Hyde, Officer Adrian Gonzalez, Officer Aureliano  
Mendes, Officer James Stenger, Officer Rick Smith

20 Dated: May 6, 2010

LAW OFFICE OF JIVAKA CANDAPPA

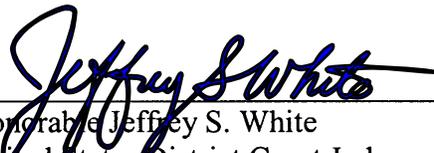
21 By: /s/ Candappa, Jivaka

22 Jivaka Candappa  
23 Attorney for Plaintiffs Jesse Johnson and Tim Horton

**ORDER**

24 PURSUANT TO STIPULATION AND ON A SHOWING OF GOOD CAUSE IT IS SO  
25 ORDERED.

26  
27 Dated: May 28, 2010

By: 

Honorable Jeffrey S. White  
United States District Court Judge