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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 EXTENSION OF EXPERT  
 DISCLOSURE AND DISCOVERY  
 DEADLINES**

13 vs.

14 CITY OF ANTIOCH, ANTIOCH POLICE  
 DEPARTMENT, JAMES HYDE, Chief of  
 15 Police, Antioch Police Department, in his  
 individual and official capacities;  
 16 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,

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

Trial Date: December 6, 2010

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"), by 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 Plaintiffs by officers of the Antioch Police Department;  
 28 2. WHEREAS due to the number of potential witnesses identified in this matter,

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1 Plaintiffs and Defendants have taken twenty four (24) depositions combined during fact  
2 discovery, including many depositions in the month of May up to the fact discovery cut-off of  
3 May 28, 2010;

4 3. WHEREAS currently the deadline to disclose experts is June 18, 2010, rebuttal  
5 expert disclosure is July 2, 2010, and the expert discovery deadline is July 30, 2010;

6 4. WHEREAS the expert disclosure deadline of June 18, 2010, at this juncture  
7 would not provide the parties with sufficient time to obtain the relevant deposition transcripts,  
8 and their respective experts sufficient time to, review and evaluate the testimony of the  
9 deponents and prepare FRCP 26 reports;

10 5. WHEREAS the parties wish to avoid the expense of having their experts prepare  
11 supplemental reports;

12 6. WHEREAS the parties seek a short extension of the expert witness disclosure and  
13 discovery deadlines;

14 7. WHEREAS the pretrial conference is set for November 8, 2010, and the trial of  
15 this matter is set for December 6, 2010;

16 8. WHEREAS good cause exists to extend the expert witness disclosure and  
17 discovery deadlines;

18 9. The Parties hereby seek leave of the Court to extend the expert witness disclosure  
19 and discovery deadlines as follows:

- 20 a) Disclosure of experts: July 1, 2010;
- 21 b) Disclosure of rebuttal experts: July 12, 2010,
- 22 c) Last day for expert discovery: August 6, 2010.

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24 **IT IS SO STIPULATED**  
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Dated: June 3, 2010

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

By: \_\_\_\_\_  
James V. Fitzgerald, III / Noah G. Blechman  
Attorneys for Defendants  
City of Antioch, Antioch Police Department, James  
Hyde, Officer Adrian Gonzalez, Officer Aureliano  
Mendes, Officer James Stenger, Officer Rick Smith

Dated: June 3, 2010

LAW OFFICE OF JIVAKA CANDAPPA

By: /s/ Jivaka Candappa  
Jivaka Candappa  
Attorney for Plaintiffs Jesse Johnson and Tim Horton

**ORDER**

Pursuant to stipulation and on a showing of good cause, the expert witness disclosure deadline in this matter is extended from June 18, 2010, to July 1, 2010, the rebuttal expert witness disclosure deadline is extended from July 2, 2010, to July 12, 2010, and the expert witness discovery deadline is extended from July 30, 2010, to August 6, 2010. All other deadlines in this matter shall remain unchanged.

IT IS SO ORDERED.

Dated: June 7, 2010

By:   
\_\_\_\_\_  
Honorable Jeffrey S. White  
United States District Court Judge