

1 Roy A. Combs, SBN 123507
 rcombs@fagenfriedman.com
 2 Joshua A. Stevens, SBN 228239
 jstevens@fagenfriedman.com
 3 FAGEN FRIEDMAN & FULFROST, LLP
 70 Washington Street, Suite 205
 4 Oakland, California 94607
 Phone: 510-550-8200
 5 Fax: 510-550-8211

6 Attorneys for Defendants PITTSBURG
 UNIFIED SCHOOL DISTRICT, BARBARA
 7 WILSON AND PERCY MCGEE

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10
 11 TIM GALLI,

12 Plaintiff,

13 vs.

14 PITTSBURG UNIFIED SCHOOL
 DISTRICT, BARBARA WILSON and
 15 PERCY MCGEE,

16 Defendants.

CASE NO. 3:09-cv-03775-JSW

**JOINT STIPULATION ON DISCOVERY,
 CASE SCHEDULING AND THE
 SERVICE OF PLEADINGS; [~~PROPOSED~~]
 ORDER**

17
 18 **SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY**
 19 **STIPULATE TO THE FOLLOWING:**

20 1. Plaintiff Tim Galli filed a First Amended Complaint ("FAC") in the above-
 21 referenced matter on or about September 4, 2009, with service made effective on Pittsburg Unified
 22 School District ("District"), Barbara Wilson and Percy McGee (collectively "Defendants") on
 23 September 14, 2009.

24 2. On or about September 10, 2009, Plaintiff sent via electronic mail, by and through
 25 his counsel of record, David Scher, of the Employment Law Group, his first set of interrogatories,
 26 first request for admission, first request for production of documents and ten (10) separate notices
 27 of deposition (hereinafter collectively referred to as "discovery") to the Defendants counsel, Roy
 28 A. Combs and Joshua A. Stevens, of Fagen Friedman & Fulfrost, LLP.

1 3. Defendants have not accepted service of any of the foregoing discovery. Plaintiff
2 has acknowledged that the foregoing discovery has not yet been served as it predates the
3 conference mandated by Federal Rules of Civil Procedure Rule 26(f) and is, thus, premature.

4 4. Defendants informed Plaintiff of their intention to file a Rule 12(b)(6) motion and
5 any other appropriate pleading to dismiss some or all of Plaintiff's FAC on or before October 5,
6 2009. Defendants filed a motion to dismiss and motion to strike on October 5, 2009. In
7 consideration of the Court's calendar and availability to hear Defendants' motions, the parties
8 agree that the hearing date on the motions will be noticed for Friday, December 11, 2009.

9 5. Given the mutual recognition of the potential impact of the Court's ruling on the
10 Rule 26 conference and related matters, the parties further agree to a continuance of the case
11 schedule as follows, if the case remains pending in Federal Court:

12 a. December 11, 2009 – last day to: (i) meet and confer regarding initial
13 disclosures, early settlement, ADR process selection, and discovery plan; (ii) file ADR
14 Certification signed by parties and counsel; and (iii) file either Stipulation to ADR Process or
15 Notice of Need for ADR Phone Conference;

16 b. December 23, 2009 – last day to: (i) file Rule 26(f) Report; (ii) complete
17 initial disclosures or state objection in Rule 26(f) Report; and (iii) file Case Management
18 Statement; and

19 c. January 8, 2010 – Initial Case Management Conference. ~~Subject to this~~
20 ~~Court's approval, the parties agree that one or both parties may appear telephonically at the Initial~~
21 ~~Case Management Conference.~~

22 6. In the event that this Court has not issued its ruling on Defendants' Motion to
23 Dismiss and Motion to Strike on or before December 11, 2009, the parties agree to seek the
24 Court's guidance on a further continuance of the above-referenced schedule at the time of the
25 hearing on December 11, 2009.

26 7. The parties further agree to serve all court filed documents (e.g., pleadings and
27 motions) in this matter through the Court's electronic filing system.

28 8. The parties additionally agree to serve discovery in this matter via electronic mail

1 with a copy sent to the following recipients on behalf of Plaintiff and Defendants:

2 **On behalf of Plaintiff**

3 David Scher (dscher@employmentlawgroup.net)
4 R. Scott Oswald (SOswald@employmentlawgroup.com)
5 Liviya M. Piccione-Sand (lpiccione-sand@employmentlawgroup.com)

6 **On behalf of Defendants**

7 Roy A. Combs (rcombs@fagenfriedman.com)
8 Joshua A. Stevens (jstevens@fagenfriedman.com)
9 Lisa Howell (lhowel@fagenfriedman.com)
10 Jane Forrette (jforrette@fagenfriedman.com)

11 **SO STIPULATED.**

12 DATED: October 9, 2009

Respectfully submitted,

13 FAGEN FRIEDMAN & FULFROST, LLP

14 By: /s/ Roy A. Combs
15 Roy A. Combs
16 Attorneys for Defendantts PITTSBURG
UNIFIED SCHOOL DISTRICT, BARBARA
WILSON AND PERCY MCGEE

17 DATED: October 9, 2009

Respectfully submitted,

18 THE EMPLOYMENT LAW GROUP, P.C.

19
20 By: /s/ David Scher
21 David Scher
22 Attorneys for Plaintiff TIM GALLI
23
24
25
26
27
28

Fagen Friedman & Fulfrost, LLP
70 Washington Street, Suite 205
Oakland, California 94607
Main: 510-550-8200 • Fax: 510-550-8211

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED, pursuant to the above Stipulation of the parties, that the case schedule be amended as outlined above; that all court filed documents will be served through the Court's electronic filing system; and that discovery in this matter will be served via electronic mail with a copy sent to the recipients listed in the above Stipulation.

DATED: October 13, 2009



Hon. Jeffrey S. White
UNITED STATES DISTRICT JUDGE

00254.00140/159512.1

Fagen Friedman & Fulfrost, LLP
70 Washington Street, Suite 205
Oakland, California 94607
Main: 510-550-8200 • Fax: 510-550-8211