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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 JOHN DOHERTY,

12 Plaintiff,

13 v.

14 CITY OF ALAMEDA AND CITY OF
ALAMEDA HOUSING AND BUILDING
15 CODE HEARING AND APPEALS BOARD,

16 Defendants.

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18 CITY OF ALAMEDA,

19 Counterclaimant,

20 v.

21 JOHN DOHERTY and DOES 1-15, inclusive,

22 Counterclaim-defendants.

Case No. CV09 4961 EDL
ORDER ON
JOINT STIPULATION FOR AN
ORDER TO CONTINUE DISCOVERY
CUT-OFF AND RELATED
DEADLINES

23 IT IS HEREBY STIULATED by and between plaintiff JOHN DOHERTY (“Plaintiff”)
24 and defendants CITY OF ALAMEDA and CITY OF ALAMEDA HOUSING AND BUILDING
25 CODE HEARING AND APPEALS BOARD (“Defendants”), by and through their attorneys of
26 record, pursuant to Civil Local Rules 6-2 and 7-12, that the parties request that the Court continue
27 the discovery cut-off date and related deadlines based on the following:
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1 1. On September 19, 2011, the Court issued an Order Granting Stipulated
2 Administrative Motion of the Parties (Docket No. 109) in which the Court (1) set a Further Case
3 Management Conference for October 18, 2011; (2) granted Plaintiff 30 days to obtain counsel; (3)
4 set the fact discovery cut-off date for January 20, 2012; (4) set the deadline for dispositive motions
5 for January 31, 2012 with a hearing date of March 6, 2012; and (5) left open a trial date, expert
6 disclosure deadlines, and all other matters following the Court's decision on dispositive motions.
7 (Loughrey Decl., ¶ 2.)

8 2. On October 12, 2011, the Court issued an Order (Docket No. 114) vacating the
9 Case Management Conference set for October 18, 2011, and ordered that the parties abide by the
10 deadlines set in the Court's September 29, 2011 Order. (Loughrey Decl., ¶ 3.)

11 3. On or about October 31, 2011, Plaintiff retained counsel, the Law Offices of
12 Raymond E. Loughrey, to represent him in this matter. Attorney Loughrey filed a Notice of
13 Appearance on October 31, 2011 (Docket No. 115). (Loughrey Decl., ¶ 4.)

14 4. Since that time, Plaintiff's counsel has worked diligently to bring himself up to
15 speed on this case, which has been pending for several years in both State and Federal courts, and
16 to understand the relevant legal and factual issues. (Loughrey Decl., ¶ 5.)

17 5. Counsel for the parties have worked together to move this case forward. They have
18 engaged in telephonic meetings, and have cooperated in ensuring that written discovery proceeds
19 smoothly. To that end, Plaintiff already responded to Defendant's First Set of Interrogatories and
20 First Request for Production of Documents on January 6, 2012 and January 10, 2012, respectively.
21 Defendants will be responding to Plaintiff's First Set of Interrogatories and First Request for
22 Production of Documents by January 20, 2012. (Loughrey Decl., ¶ 6.)

23 6. Counsel for the parties also have cooperated in scheduling the deposition of
24 Plaintiff, currently set for January 18, 2012. However, due to his recent retention and because
25 Defendants will not be responding to Plaintiff's discovery demands until January 20, 2012,
26 Plaintiff has not yet been able to schedule any depositions of key witnesses. Evaluating the case
27 and the themes of litigation cannot be adequately completed within the information from these
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1 depositions. As such, an extension of time is necessary for Plaintiff to effectively prepare his case.
2 (Loughrey Decl., ¶ 7.)

3 7. The parties are mindful of and certainly respect the Court’s prior order regarding
4 discovery and related deadlines, and have met and conferred about scheduling. The parties believe
5 continuing the discovery cut-off and related deadlines is necessary for effective preparation of
6 trial. This continuation of the discovery cut-off and related deadlines will not affect the trial date,
7 as none has been set. (Loughrey Decl., ¶ 8.)

8 8. Pursuant to Rule 16(b)(4), good cause exists for the Court to modify its September
9 19, 2011 Order and continue the fact discovery cut-off and related deadlines.

10 9. Based on the foregoing, the parties respectfully request that this Court continue the
11 fact discovery cut-off date from January 20, 2012 to March 20, 2012, and the dispositive motion
12 deadline from January 31, 2012 to March 30, 2012.

13 DATED: January 12, 2012

14 By _____ /s/
15 Raymond E. Loughrey

16 THE LAW OFFICES OF RAYMOND E. LOUGHREY
17 Attorneys for Plaintiff/Counterclaim Defendant
JOHN DOHERTY

18 DATED: January 12, 2012

19 By _____ /s/
20 Gregory M. Fox

21 BERTRAND, FOX & ELLIOTT
22 Attorneys for Defendant/Counterclaimant
CITY OF ALAMEDA

23 DATED: January 12, 2012

24 By _____ /s/
25 Laura E. Zagaroli

26 OFFICE OF THE CITY ATTORNEY, CITY OF ALAMEDA
27 Attorneys for Defendant/Counterclaimant
28 CITY OF ALAMEDA

1 PURSUANT TO STIPULATION, IT IS SO ORDERED. IT IS FURTHER ORDERED that the
2 hearing on dispositive motions will be held on April 17, 2012 at 9:00 a.m.

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4 Dated: January 17, 2012


ELIZABETH D. LAPORTE
United States Magistrate Judge

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