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21

UNITED STATES DISTRICT COURT

22

NORTHERN DISTRICT OF CALIFORNIA

23

DORA BAIRES, et al.,	No.: C 09-05171 CRB
Plaintiffs,	**STIPULATION AND ORDER**
vs.	
THE UNITED STATES OF AMERICA; et al.,	*Honorable Charles R. Breyer*
Defendants.	

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27

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C 09-05171 CRB   – 1 –

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1   Counsel for Plaintiffs, Defendant United States and defendant Brian Myrick have met and

2   conferred regarding the need for a briefing schedule for a motion for summary judgment that will be

3   filed by the Federal defendants seeking dismissal of Plaintiffs' claims under the FTCA. Because

4   witnesses whose declarations will be submitted in support of the motion could not be made available

5   before the closure of fact discovery, the parties have stipulated as follows:

6
           1.   The United States will file its motion for summary judgment on or before April 26,
7
      2013. The parties stipulate and respectfully request that court permit the page limitations in the local
8
      rules to be adjusted such that United States shall have up to 40 pages for its opening brief and
9
      plaintiffs shall have up to 40 pages for their opposition. The United States will have up to 20 pages
10
      for its reply.
11

12   2.   With the exception of Brian Myrick (if he submits a declaration in connection with

13   the motion filed by the United States), the United States will produce for depositions during the

14   week of May 20, 2012, the witnesses whose declarations or affidavits support its motion for

15   summary judgment.

16
           3.   Plaintiffs will file their opposition to the motion for summary judgment no later than
17
      June 3, 2013.
18

19   4.   The settlement conference scheduled for June 5, 2013 with Magistrate Judge La Porte

20   will be continued to a date convenient for all counsel and to the Court. The parties request that the

21   conference take place during the week of June 17, 2013 or as soon thereafter as is practicable for

22   Magistrate Judge Laporte.

23

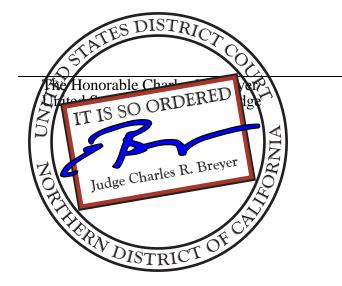24   5.   The due date for the reply brief of the United States will be after the settlement

25   conference.

26   / / / / /

27   / / / / /

28   / / / / /

1   6.   Defendant Myrick may file his motion for summary judgment, if any, in accordance

2 with the previously-established deadlines set by the court or earlier, if he chooses to do so.

3

4   **IT IS SO STIPULATED.**

5

6   DATED: April 12, 2013.

7   REED SMITH LLP

8

9   By _____*/s/ Steven M. Kohn*_____
                                                  Steven M. Kohn
10   Attorneys for Dora Baires, individually, and on
                                                   behalf of the estate of Juan Carlos Baires; and
11   DATED: April 12, 2013.   Teofilo Miranda

12   MELINDA HAAG, United States Attorney

13

14   By_____*/s/ Abraham A. Simmons*_____
                                                 Abraham A. Simmons, Assistant U.S. Attorney
15   Attorneys for Federal Defendants

16   DATED: April 12, 2013.

17   THERESA A. GOLDNER, County Counsel

18

19   By_____*/s/ Marshall Scott Fontes*_____
                                                Marshall Scott Fontes, Deputy
20   (as authorized on February 21, 2013)
                                                Attorneys for Defendant County of Kern, et al.
21

22   DATED: April 12, 2013.

23   BJORK LAWRENCE

24

25   By_____/s/ Robert Lawrence_____
                                                Robert Lawrence
26   Attorneys for Defendant County of Kern, et al.

27

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No. C 09-05171 CRB   – 4 –

IT IS SO ORDERED.

DATED: April 17, 2013.

_____

The Honorable Charles R. Breyer
United States District Judge

IT IS SO ORDERED

Judge Charles R. Breyer