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11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13	ECOLOGICAL RIGHTS FOUNDATION)	Case No. 3:10-CV-00121-RS
14)	
15	Plaintiff,)	STIPULATION AND PROPOSED
16)	ORDER TO STAY EXPERT
17)	DISCOVERY
18)	
19	v.)	
20	PACIFIC GAS AND ELECTRIC COMPANY,)	
)	
	Defendant.)	
)	
)	

STIPULATION

21 WHEREAS, on February 23, 2011, Defendant Pacific Gas and Electric Company
 22 (“PG&E”) filed Defendant’s Motion to Dismiss Plaintiff’s Fourth Amended Complaint for Lack
 23 of Subject Matter Jurisdiction and Failure to State a Claim, Motion for a More Definite
 24 Statement and Proposed Order (Docket No. 110) (“Motion to Dismiss”). The hearing on the
 25 Motion to Dismiss was scheduled for April 7, 2011.

26 WHEREAS, the Motion to Dismiss was fully briefed by the parties. On April 5, 2011,
 27
 28

1 the Court ordered the Motion to Dismiss submitted without oral argument, taking the matter
2 under submission on the papers. The Motion to Dismiss is currently pending.

3 WHEREAS, on March 10, 2011, the Court set a discovery schedule calling for the parties
4 to engage in fact discovery related to four service centers which are subject to the lawsuit.
5 Pursuant to the Court Order, fact discovery ended on June 28, 2011. The parties are continuing
6 to finalize outstanding issues related to fact discovery and expect to be complete by the end of
7 July. No new fact discovery will occur related to these four service centers.

8 WHEREAS, according the Court Order, the parties are scheduled to begin expert
9 discovery related to the four service centers. Plaintiffs are required to disclose expert testimony
10 and reports on August 26, 2011. Defendants are required to disclose expert testimony and
11 reports on September 30, 2011, and all expert discovery is scheduled to be completed by
12 November 30, 2011.

13 WHEREAS, because Defendants have sought the dismissal of various counts of the
14 Complaint, the parties are not currently clear on which counts will or will not require expert
15 testimony. The parties believe judicial economy will best be served by finalizing the initial
16 pleadings before attempting to complete expert discovery so that the parties do not spend time
17 and resources pursuing expert discovery of claims that are no longer in the Complaint.

18 WHEREAS, the parties agree that rescheduling the deadlines to complete expert
19 discovery at this time will allow the Court to rule on the Motion to Dismiss and then allow the
20 parties to proceed in a more orderly fashion with expert discovery.

21 NOW, THEREFORE, the parties do hereby stipulate, by and through counsel, that:

22 1. The current dates for expert discovery in the Court's March 10, 2011 Order shall
23 be vacated.

24 2. After the Court issues a ruling on the Motion to Dismiss, the parties request the
25 Court hold a telephonic Case Management Conference ("CMC") within 14 days. Before that
26 time, the parties will meet and confer and attempt to create a new proposed schedule for expert
27 discovery. At the hearing the parties can discuss their proposals with the Court and establish a
28 new schedule for expert discovery.

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Dated: July 18, 2011

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By: /s/ Christopher Sproul
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Foundation

1 **PROPOSED ORDER**


2 On July 18, 2011, Plaintiff Ecological Rights Foundation and Defendant Pacific Gas and
3 Electric Company filed a Stipulation and Proposed Order to Stay Expert Discovery (the
4 “Stipulation”). Having considered the Stipulation, and good cause appearing, the Court hereby
5 GRANTS the Stipulation and orders as follows:

6 1. The current dates for expert discovery in the Court’s March 10, 2011 Order shall be
7 vacated.

8 2. After the Court issues a ruling on the Motion to Dismiss, the parties request the Court
9 hold a telephonic Case Management Conference (“CMC”) within 14 days. Before that time, the
10 parties will meet and confer and attempt to create a new proposed schedule for expert discovery.
11 At the hearing the parties can discuss their proposals with the Court and establish a new schedule
12 for expert discovery.

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 Dated: 7/19, 2011

15 
16 Richard Seeborg
17 United States District Court Judge