

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

JAMES V. FITZGERALD, III (State Bar No. 55632)  
NOAH G. BLECHMAN (State Bar No. 197167)  
McNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP  
1211 Newell Avenue  
Post Office Box 5288  
Walnut Creek, CA 94596  
Telephone: (925) 939-5330  
Facsimile: (925) 939-0203

Attorneys for Defendants  
ROBERT REICHERT and KEVIN MORRIS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER HAMMOND,  
MATTHEW HAMMOND, individually  
and as Successors in Interest for PAUL  
HAMMOND, decedent; and EMILY  
HAMMOND, a minor, and LINDSEY  
HAMMOND, a minor, individually and as  
Successors in Interest for PAUL  
HAMMOND, decedent, and by and through  
their Guardian ad Litem, CHERYL  
HAMMOND,

Plaintiffs,

vs.

COUNTY OF CONTRA COSTA,  
ROBERT REICHERT, KEVIN MORRIS,  
SHERIFF WARREN E. RUPF and DOES  
ONE to ONE HUNDRED, inclusive,

Defendants.

Case No. C10-1454 JCS

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING EXPERT  
DISCLOSURE AND DISCOVERY  
DEADLINES**

Judge: Hon. Joseph C. Spero

Trial Date: December 5, 2011

IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,  
through their respective counsel of record, and approved by the Court in the accompanying Order,  
as follows:

- 1. WHEREAS the parties have diligently pursued fact discovery in this matter and fact  
discovery closed on June 1, 2011.
- 2. WHEREAS fact witnesses deposed at end of the discovery period and the depositions

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

1 recently taken of the two female minor Plaintiffs and Deputy Morris, taken after the cut-  
2 off of June 1<sup>st</sup> per leave of Court, have not been officially transcribed and received by  
3 the parties to forward to experts.

4 3. WHEREAS Plaintiffs have one remaining fact discovery witness, Commander Woolard,  
5 deposition to complete, as the deposition was started prior to the discovery cut-off  
6 period, but not completed due to a prior document production dispute that has now been  
7 resolved. This depositions is expected to occur shortly.

8 4. WHEREAS the parties participated in a settlement conference with Magistrate Judge  
9 Corley on June 8, 2011, and the parties remain in communication following that  
10 settlement conference.

11 5. WHEREAS all counsel in this matter agree that it would be in all parties' and the  
12 Court's interest to briefly continue the current expert disclosure and expert discovery  
13 deadlines to allow all fact discovery to be completed, allow experts to obtain all relevant  
14 deposition transcripts and also to allow the parties further post-settlement conference  
15 communication.

16 6. WHEREAS this brief continuance of these deadlines will not impact the currently set  
17 deadline to file dispositive motions and hearing date on dispositive motions (August 26,  
18 2011), nor will it impact the pretrial or trial dates in this matter, as listed below

19 7. WHEREAS expert deadlines were previously continued one prior time by the parties per  
20 Docket Document No. 36, executed by the Court and e-filed on March 9, 2011.

21 8. WHEREAS the parties have demonstrated good cause herein and propose the following  
22 minor modification to the current expert disclosure and discovery deadline:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadlines</u>
Expert Disclosure Deadline	June 15, 2011	June 24, 2011
Rebuttal Expert Disclosure Deadline	June 24, 2011	July 1, 2011
Completion of Expert Discovery	July 11, 2011	July 15, 2011
Last Day to Hear Dispositive Motions	August 26, 2011	NO CHANGE
Pretrial Conference	November 18, 2011	NO CHANGE
Trial Date	December 5, 2011	NO CHANGE

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

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

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: June 10, 2010

MCNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP

By:       /s/ James V. Fitzgerald, III        
James V. Fitzgerald, III  
Noah G. Blechman  
Attorneys for Defendants  
ROBERT REICHERT and KEVIN MORRIS

Dated: June 10, 2010

OFFICE OF THE COUNTY COUNSEL OF CONTRA COSTA

By:       /s/ Janet Holmes        
Janet Holmes / Janice Amenta  
Attorneys for Defendants  
COUNTY OF CONTRA COSTA and SHERIFF  
WARREN E. RUPF

Dated: June 10, 2010

GEARINGER LAW GROUP

By:       /s/ Brian Gearinger        
Brian Gearinger  
Attorneys for Plaintiffs

Dated: June 10, 2010

THE SCOTT LAW FIRM

By:       /s/ John Houston Scott        
John Houston Scott  
Attorneys for Plaintiffs

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

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

**ORDER**

WHEREAS, having read the foregoing stipulation between all parties, by and through their attorneys of record, and having found good cause demonstrated by the parties for the brief continuance of expert disclosure and discovery deadlines,

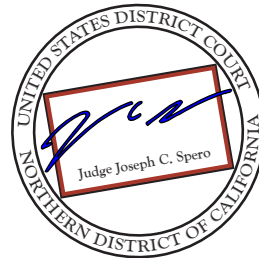
THE COURT ORDERS AS FOLLOWS:

Expert disclosure and discovery deadlines are hereby continued as follows:

<u>Event</u>	<u>New Deadlines</u>
Expert Disclosure Deadline	June 24, 2011
Rebuttal Expert Disclosure Deadline	July 1, 2011
Completion of Expert Discovery	July 15, 2011

IT IS SO ORDERED.

DATED: 06/13/2011



Hon. Joseph C. Spero  
United States District Court Magistrate Judge