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7 Attorney for Defendants ERNEST BREDE, LUIS CONTRERAS, PAUL KOEHLER, LARRY
 8 LAVERDURE, DONALD SHOWERS, AARON LUCAS, STEVE MISTERFELD, ALAN
 9 SHUSTER, RICHARD ASHE and DOE SDG:SSX

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 JONATHAN D. COBB, SR., and
 13 WALTER ARLEN ST. CLAIR,

14 Plaintiffs,

15 v.

16 ERNEST BREDE, LUIS CONTRERAS,
 17 PAUL KOEHLER, LARRY LAVERDURE,
 18 DONALD SHOWERS, AARON LUCAS,
 19 STEVE MISTERFELD, ALAN SHUSTER,
 20 RICHARD ASHE and DOE SDG:SSX,

21 Defendants.

) Case No.: 3:10-CV-03907-MEJ

) **JUDGE: Honorable Maria-Elena James**

) **DECLARATION OF ANTHONY V.**
) **SMITH RE REQUEST TO EXTEND**
) **DISCOVERY DEADLINE TO**
) **COMPLETE DEPOSITION OF JASON**
) **COBB**

) Original Complaint Filed: August 31, 2010
) Discovery Cut-Off: October 6, 2011
) Settlement Conference Date: October 13, 2011

22 I, Anthony V. Smith, Esq., declare:

23 1. I am an attorney licensed to practice before all courts in the State of California
 24 including the United States District Court, Northern District of California. I have personal

1 knowledge of the facts contained in this declaration and could competently testify to the same if
2 called upon to do so in a court of law. I represent all currently named defendants sued by
3 plaintiffs in this action.

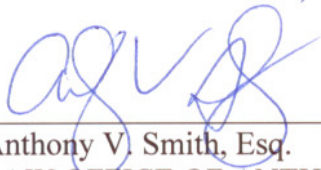
4 2. As the court is aware, last week the court issued an Order Compelling Jason
5 Cobb to appear for his deposition today, October 5, 2011, at 9:30 a.m. Mr. Cobb appeared as
6 did the undersigned. However, due to an apparent mix-up with the court reporter agency, no
7 court reporter appeared for the deposition. In an effort to commence and complete the
8 deposition as ordered, Mr. Cobb agreed to (and in fact did) make himself available at 12:00
9 noon today contingent upon the court reporter agency securing a court reporter. Unfortunately,
10 De Souza Court Reporting was unable to obtain a court reporter at that time. As soon as I
11 learned that De Souza could not obtain a reporter, I immediately telephone Mr. Cobb and left a
12 message (which he acknowledged at 11:55 p.m.). I also emailed him. A true and correct copy
13 of the email that I sent to Mr. Cobb is attached to and incorporated into this declaration as
14 Exhibit A. I also met with Mr. Cobb at the Circle Video offices at 12:00 noon and discussed
15 continuing his deposition. Tentative arrangements have been made for Mr. Cobb's appearance
16 for his deposition, tomorrow, October 6, 2011, at 1:00 p.m., at Circle Video, the same location
17 that was set for today's deposition. Mr. Cobb has agreed to inform the undersigned by 4:00
18 p.m. today whether he can appear for his deposition. **Discovery in this action terminates**
19 **tomorrow, October 6, 2011.**

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22 3. I am making the request to extend the date to complete Mr. Cobb's deposition in
23 an abundance of caution despite the fact that I am waiting for his confirmation concerning
24 tomorrow's tentative deposition. I request a short extension of the discovery deadline solely for
25 the purpose of completing Mr. Cobb's deposition **to up to and including Thursday, October**
26 **13, 2011.** I have provided Mr. Cobb two (2) alternate dates to complete of his deposition,
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28

1 namely, either Tuesday, October 11, 2011, or Wednesday, October 12, 2011, at 9:30 a.m.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct.

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5 Date: *October 5, 2011*

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8 Anthony V. Smith, Esq.

9 LAW OFFICE OF ANTHONY V. SMITH

10 Attorney for Defendants ERNEST BREDE, LUIS CONTRERAS

11 PAUL KOEHLER, LARRY LAVERDURE, DONALD SHOWERS

12 AARON LUCAS, STEVE MISTERFELD, ALAN SHUSTER,

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