

1 JOHN L. BURRIS, ESQ. CSB#69888  
 2 LAW OFFICES OF JOHN L. BURRIS  
 3 Airport Corporate Centre  
 4 7677 Oakport Street, Suite 1120  
 5 Oakland, CA 94621-1939  
 6 Tel: (510) 839-5200  
 7 Fax: (510) 839-3882  
 8 E/M: [John.Burris@JohnBurrisLaw.com](mailto:John.Burris@JohnBurrisLaw.com)

9 Attorneys for Danilo Martin Molieri  
 10 And Daniel Steven Molieri, Plaintiffs

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **(SAN FRANCISCO)**

14 DANIEL MARTIN MOLIERI and,  
 15 DANIEL STEVEN MOLIERI,  
 16 Plaintiffs,

17 vs

18 COUNTY OF MARIN; Marin  
 19 County Sheriff's Sergeant  
 20 J. SCARDINA; Sheriff's Deputy  
 21 ERIC RICHARDSON; Sheriff's  
 22 Deputy BONDANZA; CITY AND  
 23 COUNTY OF SAN FRANCISCO;  
 24 San Francisco Police Sergeant  
 25 R. COX; San Francisco Police  
 26 Sergeant J. O'MALLEY; and  
 27 DOES 1 through 25, inclusive,

28 Defendants.

CASE NO. C-10-5430 MMC

Complaint Filed: 12/1/2010

STIPULATION TO EXTEND TIME TO  
 COMPLETE EXPERT DISCLOSURES  
 AND DISCOVERY; (~~PROPOSED~~) ORDER

-----/

1 **STIPULATION**

2 The parties in this, the above-entitled matter, by and through their respective counsel of  
3 record, stipulate and agree to the following in support of their request to the court to modify the  
4 pretrial scheduling order:

- 5
- 6 1. The complaint in this matter was filed on December 1, 2010. Subsequent to its filing,  
7 counsel have cooperatively and diligently developed this case for resolution, disposition  
8 or trial through discovery.
  - 9 2. This case centers around police practices and discovery necessarily requires experts in  
10 police practices and procedures, in addition to discovery from both plaintiffs and law  
11 enforcement personnel.
  - 12 3. The court granted the parties' previous request extend the time within which to  
13 conclude specifically identified depositions, from December 2, 2011 to and through  
14 December 23, 2011. Discovery and depositions of law enforcement personnel and  
15 those persons most knowledgeable with respect to relevant police practices and  
16 procedures are complete.
  - 17 4. The court ordered that disclosure of expert witnesses be completed by December 23,  
18 2011, disclosure of rebuttal experts by January 6, 2012 and completion of discovery  
19 from experts by January 27, 2012. The previous stipulation did not contemplate  
20 modification of those deadlines. However, because of the significance of the  
21 depositions currently underway, including those occurring on December 22, 2011, and  
22 plaintiffs' contention that there are unresolved discovery matters, the parties' designated  
23 police practices expert witnesses anticipate obtaining additional information after  
24 completion of their FRCP Rule 26 reports on December 23, 2011. This information  
25 may result in modification or amendment of their reports.  
26  
27  
28



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**

The court, having considered the parties' stipulation and good cause appearing,

**IT IS ORDERED** that the pretrial scheduling order is modified in the following limited particulars:

1. The date by which disclosure of expert witnesses, and exchange of FRCP Rule 26 reports will be completed is extended from December 23, 2011 to January 10, 2012.
2. The date by which rebuttal experts are to be disclosed is extended to January 17, 2012.

Dated: December 23, 2011

  
UNITED STATES DISTRICT JUDGE