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 CITY AND COUNTY OF SAN FRANCISCO
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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 KATHY YOUNT, ESTATE OF DYLAN
 13 YOUNT,

Case No. CV-11-1141 MEJ

JOINT STATUS REPORT

14 Plaintiff,

Trial Date: Not Set

15 vs.

16 CITY AND COUNTY OF SAN
 FRANCISCO, SAN FRANCISCO POLICE
 17 DEPARTMENT, SAN FRANCISCO FIRE
 DEPARTMENT, DOES 1-5, Inclusive,

18 Defendants.
 19

20
 21 Pursuant to the Court's September 7, 2012 Order, the parties submit the following joint status
 22 report. This Joint Status Report is submitted jointly with notations where divergent positions exist.
 23

24 **1. Introduction**

25 Jointly: In this civil rights *Monell* action, the parties agreed to a limited exchange of discovery
 26 in advance of Defendant's early summary judgment motion.
 27
 28

1 Plaintiffs: The parties have not completed written discovery and depositions. Plaintiffs intend
2 depose up to three more percipient witnesses. After said deposition, counsel will meet and confer
3 within 30 days regarding whether it is necessary to conduct depositions of Persons Most
4 Knowledgeable (PMKs) from the City; Plaintiffs anticipate this will be necessary.

5
6 Defendant: Defendant has completed its initial discovery. According to the June 14, 2011
7 Case Management Statement, Plaintiffs may take up to three additional percipient witness depositions
8 and may then confer with Defendant about whether PMK depositions are appropriate.

9
10 **2. Nature of Action**

11 Jointly: This action involves claims by Plaintiffs Kathy Yount and the Estate of Dylan Yount
12 against the City and County of San Francisco. Plaintiffs make federal and state law claims against the
13 City regarding its response to Dylan Yount's suicide by jumping off a building in downtown San
14 Francisco.

15 **3. Status of Discovery**

16 Plaintiffs: In their Joint Case Management Statement filed on June 14, 2011, the parties agreed
17 to a mutual, limited exchange of discovery in advance of defendant's anticipated motion for summary
18 judgment to include the production of documents. Plaintiff's position is that defendant has been less
19 than forthright during discovery (Docket No. 17, 18, 19). Plaintiff has the right to conclude the
20 depositions and discovery.

21 Defendant: In their Joint Case Management Statement filed on June 14, 2011, the parties
22 agreed to a mutual, limited exchange of discovery in advance of defendant's anticipated motion for
23 summary judgment. *See* Docket No. 9. Specifically, the parties agreed that Defendant would produce
24 documents and take the deposition of one witness named Roberto "Beto/Mooncricket" Lopez; that
25 Plaintiffs would depose up to six percipient witnesses; and that the parties would then meet and confer
26 regarding whether it is necessary to take depositions of persons most knowledgeable ("PMKs") from
27 the City. *See id.* at 3-4.
28

1 Defendant disputes Plaintiffs' statement that Defendants have not been forthright in discovery.
2 Upon each of Plaintiffs' requests, Defendant has promptly produced documents, served written
3 discovery responses and produced City employees for deposition.

4 Jointly: The status of this discovery is as follows:

- 5 • Defendant took the deposition of Roberto Lopez on October 18, 2011.
- 6 • Defendant produced documents to Plaintiffs on June 23, 2011 and, in response to
7 Plaintiffs' discovery requests, served additional responses and produced additional
8 documents on January 31, 2012 and March 26, 2012.
- 9 • Plaintiffs took the depositions of the following percipient witnesses: Officer Cesar
10 Perez on May 17, 2012; Lieutenant Arthur Borges on May 31, 2012; and Officer Craig
11 Canton on September 19, 2012.

12 The parties expect to complete any remaining discovery in advance of Defendant's initial
13 summary judgment motion as set forth in the proposed schedule below.

14 **4. Scheduling**

15 Jointly: The parties propose that the Court refrain from setting a trial date in light of
16 Defendant's anticipated motion for summary judgment. The parties do request that the Court set
17 deadlines relating to the completion of the initial discovery and Defendant's summary judgment
18 motion. Specifically, the parties have agreed to and request that the Court enter the following
19 deadlines:

20		
21	Deadline for Plaintiffs to complete up to three additional percipient witness depositions contemplated by the parties' June 14, 2011 Joint Case Management Statement:	December 12, 2012
22		
23		
24	Deadline for parties to meet and confer about PMK depositions:	January 15, 2013
25		
26	Deadline for Plaintiffs to complete PMK depositions, if any, and to complete any additional written discovery:	February 15, 2013
27		
28	Deadline for Defendant to file initial motion for summary judgment:	April 15, 2013

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Dated: September 20, 2012

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CITY AND COUNTY OF SAN FRANCISCO

Dated: September 20, 2012

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KATHY YOUNT AND ESTATE OF DYLAN YOUNT

**Pursuant to GO 45, the electronic signatory has
obtained approval from this signatory.*