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17 Attorneys for Defendants  
 18 COUNTY OF ALAMEDA, J. MALIZIA,  
 19 S. TYRRELL and D. TEICHERA

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA

22 DONOVAN WHITTEN,

23 Plaintiff,

24 v.

25 COUNTY OF ALAMEDA; J. MALIZIA;  
 26 S. TYRRELL; D. TEICHERA; and DOES 1-  
 27 15, inclusive,

28 Defendants.

Case No. C 11-01251 SI

**STIPULATION AND [PROPOSED] ORDER  
 CONTINUING MEDIATION COMPLIANCE  
 DATE**

Defendants COUNTY OF ALAMEDA, J. MALIZIA, S. TYRRELL and D. TEICHERA and  
 plaintiff DONOVAN WHITTEN, by and through their respective attorneys of record, hereby stipulate as  
 follows:

1           1.     The parties appeared for an initial case management conference on August 5, 2011.  
2 Pursuant to this Court's Pretrial Preparation Order dated August 10, 2011, the following discovery and  
3 dispositive motion deadlines were set:

4           (A)    Disclosure of Expert Witnesses and Expert Reports to be served by 4-20-12;

5           (B)    Disclosure of Rebuttal Expert Witnesses to be served by 5-11-12;

6           (C)    Non-Expert Discovery to be completed by 03-16-12;

7           (D)    Expert Discovery to be completed by 05-31-12;

8           (E)    All Dispositive Motions shall be filed, served, and noticed by 8-3-12;

9           (F)    Oppositions to all dispositive motions due 08-17-12;

10          (G)    Replies to oppositions to all dispositive motions due 08-24-12;

11          (H)    The Court shall hear dispositive motions no later than 9-7-12 at Courtroom 10, 19<sup>th</sup> Floor,  
12 Federal Building, 450 Golden Gate Avenue, S.F., CA 94102;

13          2.     The parties were further referred to mediation on August 10, 2011 and were ordered to  
14 complete the mediation session in the 1<sup>st</sup> half of December, 2011. The parties were assigned to mediator  
15 Stephen L. Schirle and agreed to schedule mediation for December 6, 2011.

16          3.     Plaintiff's counsel was subsequently scheduled for trial in another matter beginning  
17 December 6, 2011, and requested a new date be set for mediation.

18          4.     Moreover, plaintiff's counsel has informed defendants that plaintiff WHITTEN has  
19 relocated to Washington D.C., and therefore has been unavailable for deposition. The parties are  
20 attempting to schedule plaintiff's deposition to take place before the end of the year. Plaintiff's deposition  
21 is critical to defendants' evaluation of the case, and a meaningful mediation cannot occur absent that  
22 deposition.

23          5.     Additionally, defendants propounded written discovery on plaintiffs on September 27,  
24 2011. Responses were due October 31, 2011. To date, no responses have been received. Responses to  
25 the written discovery may result in the need for further discovery and the issuance of medical subpoenas.

26          6.     For all the good cause reasons stated above, the parties respectfully request this Court  
27 extend the parties deadline to complete mediation until February 17, 2012, so that the parties can  
28 complete necessary discovery.

