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

13 PHILLIP PLEVIN, TERESITA TORRES,  
 14 Plaintiffs,  
 15 vs.  
 16 CITY AND COUNTY OF SAN  
 FRANCISCO; S. A. NAVARRO and Does 1-  
 17 25, inclusive  
 18 Defendants.

Case No. 11-cv-2359 MEJ

**STIPULATION AND [PROPOSED] ORDER  
 TO EXTEND DATES FOR DISCOVERY,  
 EXPERT DISCLOSURE AND CONTINUE  
 TRIAL**

Trial Date: January 14, 2013

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 20  
 21 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
 22 modification of this Court’s Orders concerning and setting dates for discovery cut-offs and the trial  
 23 date in the above matter. In the alternative, the parties request a further case management conference  
 24 regarding case scheduling. The parties make this request based on the following circumstances:

25 1. Expert disclosure is currently calendared for June 15, 2012, with close of all discovery  
 26 to take place on July 10, 2010. Those case management cut-off dates were set by Judge Wilken before  
 27 this matter was transferred to this Court.

1           2.       Though preliminary written discovery has been completed by both sides and documents  
2 have been produced, deposition discovery has only recently commenced in this matter. Counsel have  
3 not been able to complete discovery because both defense and plaintiff's counsel have been in trial or  
4 involved in heavy trial preparation. Moreover, the parties have had difficulty completing written  
5 discovery and scheduling depositions because of multiple personal family matters of counsel for both  
6 defendants and plaintiffs.

7           3.       To date, only one deposition has been taken, plaintiff Phillip Plevin. At least nine  
8 additional depositions (not including experts) remain to be completed. Plaintiff Teresita Torres is  
9 noticed for Monday, June 18, 2012. Plaintiff has noticed four deposition of SFPD officers and may  
10 take additional depositions. Defendant Officer Navarro's deposition will be noticed for late June or  
11 July, along with other San Francisco police officers. The parties anticipate taking at least three  
12 witness depositions, which are calendared for completion in July.

13           4.       Despite diligently attempting to complete discovery, the parties do not anticipate that  
14 they will be able to complete necessary fact discovery prior to the close of discovery on July 10, 2012.  
15 Defense counsel is set to begin a two to three week civil rights trial in state court on July 16, 2012, and  
16 is involved in ongoing motion practice and extensive pretrial preparation for that case. Moreover,  
17 plaintiff's counsel has very limited availability for depositions through the beginning of July.

18           5.       In addition to fact depositions, the parties will require orthopedic examination of  
19 plaintiffs and at a minimum a psychological examination of plaintiff Philip Plevin. The parties are in  
20 the process of meeting and conferring regarding dates for orthopedic and psychological examinations  
21 by defendants' experts. To date, plaintiffs have not been available on the dates on which defendants'  
22 experts are available, and defendants' experts are not available before the discovery cutoff in this  
23 matter.

24           6.       Because depositions are still proceeding (and only one of two plaintiff's depositions  
25 have been completed) and because no medical or psychological examinations have yet taken place, the  
26 parties will not have sufficient time for their experts to prepare their reports prior to the expert  
27 disclosure date of June 15, 2012.

1           7.       Defendants anticipate bringing a summary judgment motion on all claims in this case.  
2 If successful, that motion will resolve all of the claims in this matter. Scheduling expert discovery on  
3 damages after the hearing on dispositive motions (as opposed to prior to the motions) will save the  
4 parties the expense of at least three independent medical and psychological examinations, along with  
5 the need to take at least half-a-dozen depositions of multiple doctors and psychologists. Currently,  
6 expert discovery is set to proceed before the close of discovery and before the date to file a summary  
7 judgment motion (August 9, 2012).

8           8.       By this stipulation, the parties agree that they require additional time for the purpose of  
9 completing depositions, and drafting dispositive motions, and then, if those motions are not successful,  
10 scheduling medical examinations and preparing and disclosing their expert reports.

11           For the aforementioned reasons, the parties jointly request that the Court amend its Scheduling  
12 Order as follows:

- 13           •       September 13, 2012: Close of fact discovery
- 14           •       September 20, 2012: Last day to file dispositive motions
- 15           •       October 25, 2012: Last day for hearing on dispositive motions
- 16           •       November 16, 2012: Last day for expert witness disclosure
- 17           •       November 30, 2012: Rebuttal expert witness disclosure
- 18           •       December 21, 2012: Close of expert discovery

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20 THE PARTIES HEREBY FURTHER AGREE AND STIPULATE, subject to approval by the Court,  
21 as follows:

22           The trial of this matter shall be continued to one of the following dates (listed in order of the  
23 parties' preference and with proposed pretrial conference and further pretrial conference dates in  
24 parentheses), or to a date most convenient for the Court:

- 25           •       April 15, 2013 (pretrial conference on March 14 at 10 a.m.; final pretrial conference  
26                    April 11 at 10:00 a.m.)
- 27           •       ~~April 22, 2013 (pretrial conference on March 21 at 10 a.m.; final pretrial conference~~  
28           ~~April 18 at 10:00 a.m.)~~



**ORDER**

Based on the above stipulation, and for good cause appearing, IT IS ORDERED as follows:

- September 13, 2012: Close of fact discovery
- September 20, 2012: Last day to file dispositive motions
- October 25, 2012: Last day for hearing on dispositive motions
- November 16, 2012: Last day for expert witness disclosure
- November 30, 2012: Rebuttal expert witness disclosure
- December 21, 2012: Close of expert discovery

THE PARTIES HEREBY FURTHER AGREE AND STIPULATE, subject to approval by the Court, as follows:

Trial is set for April 15, 2013; further pretrial conference set for March 14, 2013  
Final  
~~2012~~; and pretrial conference set for April 11, 2013.

Dated: June 22, 2012



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THE HONORABLE MARIA ELENA JAMES

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