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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUCY MCALLISTER)	Case No.: 11-CV-03858 MEJ
)	
Plaintiff,)	
)	
v.)	STIPULATION AND PROPOSED
)	ORDER EXTENDING DISCOVERY
UNITED STATES OF AMERICA,)	AND TRIAL DATE
UNITED STATES DEPARTMENT OF)	
THE INTERIOR, Ken L. Salazar (in his)	
capacity as Secretary of the United)	
States Department of the Interior),)	
National Park Service, Jon Jarvis (in his)	
capacity as acting Director of the)	
National Park)	
Service), Frank Dean (acting General)	
Superintendent, Golden Gate Recreation)	
Area))	
Defendants.)	
)	

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1
2 Plaintiff in this Federal Tort Claims Act case is Lucy McAllister. She alleges she
3 was running on the East Beach area of Crissy Field, part of the Golden Gate National
4 Recreational Area, when her foot was caught on the exposed (or protruding) edge of the
5 cement which caused her to launch into the air and suffer significant injuries to her right
6 shoulder, arm, and palm.
7

8 WHEREAS, on January 31, 2012, this case was ordered to be reassigned and all
9 hearing dates were cancelled;

10 WHEREAS, the parties believe this case was not reassigned as there has been no
11 subsequent order, and both parties have consented to jurisdiction by the Chief Magistrate
12 Judge, Hon. Maria-Elena James;
13

14 WHEREAS, both parties have agreed to a plan for the completion of discovery
15 (Plaintiff has served written discovery and Defendant has responded, and Defendant has
16 served written discovery and Plaintiff is responding). Defendant plans to obtain all of the
17 medical records of the Plaintiff, and then take the deposition of Plaintiff and certain medical
18 treaters of plaintiff;
19

20 WHEREAS, Plaintiff plans to initially take the deposition of the contractors
21 working on the drainage problems where plaintiff fell;

22 WHEREAS, the parties thereafter plan to mediate the case in November 2012 in
23 accordance with this Court's previous referral;

24 WHEREAS the parties agree that the case management schedule needs to be
25 adjusted especially in light of the fact that all hearing dates have been cancelled;

26 THEREFORE the parties agree and respectfully request that the Court make
27 adjustments to the scheduling order as follows:
28

Fact Discovery Cutoff- October 31, 2012

1 Last day to Mediate- November 21, 2012.

2 Disclosure of expert witnesses (including Rule 26 disclosures)- January 4, 2013

3 Disclosure of rebuttal witnesses- January 14, 2013

4 Expert discovery cutoff- February 4, 2013

5 Last date to file dispositive motions- ~~February 18, 2013~~ February 21, 2013

Motion Hearing Date: **March 28, 2013**

6 Trial date- ~~late May or June 2012~~
July 30, 2013

7 Pretrial Conference: **6/27/2013**

Respectfully submitted,

8 Final Pretrial Conference: **7/26/2013**

9 Dated: July 6, 2012

BIRNBERG & ASSOCIATES

10 By: /s/ Cory A. Birnberg
Cory A. Birnberg
Attorneys for Plaintiff

11
12 Dated: July 6, 2012

UNITED STATES ATTORNEY

13 By: /s/ Abraham A. Simmons
14 Abraham A. Simmons
15 Assistant U.S. Attorney
Attorneys for Defendant

16 ~~Proposed~~ **ORDER**

17 Good cause appearing, **IT IS SO ORDERED.** Pursuant to Civil Local Rule 16-10,
18 the case management schedule is adjusted as set forth in the stipulation. The bench trial is
19 scheduled for July 30, 2013. Deadlines for counsel to meet and confer and
20 for pretrial documents shall be calculated with reference to this Court's order dated January
21 17, 2012. All other provisions of this Court's January 17, 2012 scheduling order shall
22 remain in effect.

23
24 July 9, 2012



Hon. Maria-Elena James
Chief U.S. Magistrate Judge

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