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16 Attorneys for Plaintiffs
 17 UELIAN DE ABADIA-PEIXOTO, ESMAR CIFUENTES,
 18 PEDRO NOLASCO JOSE, and MI LIAN WEI

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 UELIAN DE ABADIA-PEIXOTO, *et al.*,) Case No. CV 11-4001 RS
 22)

23 Plaintiffs,)

24 vs.)

25 UNITED STATES DEPARTMENT OF)
 26 HOMELAND SECURITY, *et al.*,)

27 Defendants.)
 28)

**AMENDED JOINT STIPULATION
 AND [PROPOSED] ORDER TO
 EXTEND DEADLINES**

1 Pursuant to Civil Local Rules 6-1(b) and 7-12, Plaintiffs Uelian De Abadia-Peixoto,
2 Esmar Cifuentes, Pedro Nolasco Jose, and Mi Lian Wei (“Plaintiffs”) and Defendants the United
3 States Department of Homeland Security, United States Immigration and Customs Enforcement,
4 et. al., (“Defendants”) by and through their respective undersigned counsel of record, hereby
5 stipulate and agree, subject to this Court’s approval, to extend the deadline for discovery,
6 currently scheduled for August 13, 2012. Further, the parties seek to adjust deadlines set forth in
7 the Court’s March 9, 2012 Pretrial Case Management Scheduling Order (the “Scheduling
8 Order”) as set forth below.

9 Plaintiffs and Defendant respectfully submit that good cause exists for an extension of
10 time. The parties have met and conferred extensively regarding discovery and have attempted to
11 resolve disagreements related thereto. Despite these discussions, Plaintiffs anticipate the need to
12 file a motion to compel regarding certain documents and privilege assertions. Defendants also
13 anticipate the need to file a motion for a protective order regarding certain noticed deposition
14 topics.¹ Thus, the parties anticipate needing until November 13, 2012, to complete any
15 additional document production ordered pursuant to Plaintiffs’ motion to compel and to complete
16 all depositions. In response to the stipulation the parties originally filed, the parties learned that
17 the Court’s next available trial date is in November 2013. The parties submit the following
18 proposed schedule in light of the Court’s trial calendar, and also request that the Court inform the
19 parties if trial dates become available after May 30, 2013, so that the trial in this case may be
20 moved up.

21 In light of the foregoing, Plaintiffs and Defendants seek the extension of the following
22 deadlines contained in the Scheduling Order as follows:

- 23 1. Close of fact discovery: November 13, 2012;
- 24 2. Disclosure of Plaintiffs’ expert testimony reports: January 11, 2013;

25 _____
26
27 ¹ The contemplated schedule for the motions is as follows: opening briefs due on or before
28 August 31, 2012; oppositions due September 14, 2012; replies due September 21, 2012; and a
hearing on the motion at the Court’s earliest convenience.

- 1 3. Disclosure of Defendants' expert testimony reports: February 6, 2013;
- 2 4. Close of expert discovery: February 27, 2013;
- 3 5. Hearing on dispositive motions: May 30, 2013;
- 4 6. The parties acknowledge and agree to supplement their discovery responses in accordance
- 5 with the Federal Rules and applicable local rules. In particular, if Defendants' practices
- 6 with regard to the restraints used on detainees change (or are scheduled to be changed)
- 7 after the close of fact discovery but prior to September 30, 2013 and Defendants intend to
- 8 rely on or present evidence at trial regarding such changes (or proposed changes),
- 9 Defendants must supplement their discovery responses accordingly by September 30,
- 10 2013. The parties expressly reserve their right to object to the introduction of evidence that
- 11 has not been timely produced in accordance with the Federal Rules, local rules, and this
- 12 agreement.
- 13 7. Motions *in limine*: filed by October 18, 2013;
- 14 8. Oppositions to motions *in limine* filed by October 25, 2013;
- 15 9. Pretrial statement to be filed by October 31, 2013;
- 16 10. Pretrial conference at the Court's convenience thereafter, and October 24, 2013 at 10:00 a.m.
- 17 11. Trial in ~~November 2013~~. November 12, 2013 at 9:00 a.m.

18 The parties remain available for the Court's previously-scheduled October 4, 2012 Case
19 Management Conference, if so desired by the Court.

22 Dated: August 10, 2012

Respectfully submitted,

23 By: /s/ Catherine E. Moreno
24 Catherine E. Moreno

25 WILSON SONSINI GOODRICH & ROSATI
26 *Professional Corporation*
27 David J. Berger
28 Thomas J. Martin
Analisa M. Pratt
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Dated: August 10, 2012

By: /s/ Samuel P. Go
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SIGNATURE ATTESTATION

I, Catherine E. Moreno, attest that I obtained the concurrence of Samuel P. Go in filing this document. I declare under penalty of the laws of the United States that the foregoing is true and correct.

Executed this 10th day of August, 2012 in Palo Alto, California.

/s/ Catherine E. Moreno
Catherine E. Moreno

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/20/12



Honorable Richard Seeborg
United States District Judge
Northern District of California