

1 JAMES V. FITZGERALD, III (State Bar No. 55632)
 2 NOAH G. BLECHMAN (State Bar No. 197167)
 3 McNAMARA, NEY, BEATTY, SLATTERY,
 4 BORGES & AMBACHER LLP
 5 1211 Newell Avenue
 Post Office Box 5288
 Walnut Creek, CA 94596
 Telephone: (925) 939-5330
 Facsimile: (925) 939-0203

LAW OFFICE OF PANOS
 LAGOS
 Panos Lagos, Esq. / 61821
 5032 Woodminster Lane
 Oakland, CA
 (510) 530-4078
 (510) 530-4725/FAX
 panoslagos@aol.com

Attorney for Plaintiff
 JORDAN BRANSCUM

6 Attorneys for Defendants
 7 SAN RAMON POLICE DEPARTMENT, CHIEF SCOTT
 8 HOLDER, CITY OF SAN RAMON, OFFICER PAUL BURKE,
 OFFICER JOSEPH NUNN, OFFICER T J REEDER, OFFICER
 JONATHAN STEPHENS and OFFICER STANLEY SZETO

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 JORDAN EDWARD BRANSCUM,
 12

13 Plaintiff,
 14

15 vs.

16 San Ramon Police Department; Scott
 17 Holder, in his Official Capacity as Chief of
 Police of the City of San Ramon Police
 Department; City of San Ramon; Jonathan
 Stephens, individually and as an Officer of
 18 the City of San Ramon Police Department;
 Joseph Nunn, individually and as an Officer
 19 of the City of San Ramon Police
 Department; TJ Reeder, individually and as
 20 an Officer of the City of San Ramon Police
 Department; Paul Burke, individually and
 21 as an Officer of the City of San Ramon
 Police Department; Stanley Szeto,
 22 individually and as an Officer of the City of
 San Ramon Police Department; and DOES
 23 1-100, inclusive,

24 Defendants.
 25

Case No. C11-04137 LB

**FURTHER JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT**

[AND PROPOSED ORDER]

Date: November 8, 2012
 Time: 10:30 a.m.
 Ctrm: C, 15th Floor (San Francisco)
 Judge: Hon. Laurel Beeler

Trial: April 22, 2013

26 The parties in this matter hereby provide the following Further Joint Case Management
 27 Conference Statement, as directed by the Court per the Clerk's Notice from November 6, 2012.

28 Both parties respectfully ask the Court for an extension of the current deadlines for expert

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP
 ATTORNEYS AT LAW
 1211 NEWELL AVENUE, WALNUT CREEK, CA 94596
 TELEPHONE: (925) 939-5330

1 witness disclosures and discovery, until after the Court has issued an order on Defendants'
2 impending Motion for Summary Judgment, as follows.

3 **A. Current Motion and Expert Discovery Schedule**

4 Based on the Court's current case management schedule, the following schedule is in
5 place:

<u>DATE</u>	<u>EVENT</u>
November 15, 2012	Deadline to file Summary Judgment Motion
December 14, 2012	Expert Disclosures Due
December 20, 2012	Hearing on Summary Judgment Motion
December 28, 2012	Rebuttal Expert Disclosures Due
February 8, 2013	Expert Discovery Closes
March 21, 2013	Pretrial Filings Due
April 11, 2013	Final Pretrial Conference
April 22, 2013	Trial

6
7
8
9
10
11
12
13
14
15
16 The parties jointly and respectfully ask the Court for an extension of the current deadlines
17 for expert witness disclosures and discovery, until after the Court has heard oral argument on
18 Defendants' Motion for Summary Judgment ("Motion") and has issued an order on the Motion.
19 The Court's decision on Defendants' Motion has a significant impact on this case as a ruling in
20 favor of Defendants may dispose of this entire case, making the costly process of retention of
21 experts, disclosure of experts and completion of expert depositions perhaps a moot point. As the
22 schedule currently stands, expert retention and disclosure, as well as rebuttal disclosure, are due
23 likely before any ruling from the Court on the Motion, with the hearing on the motion set for
24 December 20th.

25 Further, due to the breadth of this Motion, the parties anticipate that a ruling from the
26 Court will take some time, though do not know essentially when such ruling is anticipated. The
27 parties are both in agreement and have a strong interest to conserve significant resources (for
28 expert retention, disclosure and depositions) and would prefer to not incur expenditures and time

1 for expert disclosures and discovery which may be moot if Defendants' Motion is granted in full
2 or in part.

3 As such, the parties ask the Court to extend the deadline for expert disclosures and
4 discovery, as outlined in the proposed new schedule below. The dates for pretrial filings, the final
5 pretrial conference and the trial date will not be affected by the proposed revised schedule, should
6 the Court believe this proposed new schedule, below, is feasible.

7 **B. Proposed New Expert Discovery Schedule**

8 The parties propose this new schedule which will defer expert disclosures and discovery
9 for a period of time pending the outcome of the Motion, if such disclosures and discovery is still
10 necessary after the Court's order on Defendants' Motion, without interfering with the Court's
11 pretrial and trial schedule.

<u>DATE</u>	<u>EVENT</u>
November 15, 2012	Deadline to file Summary Judgment Motion
December 20, 2012	Hearing on Summary Judgment Motion
January 25, 2013	Expert Disclosures Due
February 8, 2013	Rebuttal Expert Disclosures Due
February 28, 2013	Expert Discovery Closes
March 21, 2013	Pretrial Filings Due
April 11, 2013	Final Pretrial Conference
April 22, 2013	Trial

22
23 Should the Court believe the above schedule can be modified to better address these
24 issues, the parties are amenable to such insight and recommendations. The parties can address
25 these issues further at the upcoming Further Case Management Conference.
26
27
28

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP
ATTORNEYS AT LAW
1211 NEWELL AVENUE, WALNUT CREEK, CA 94596
TELEPHONE: (925) 939-5330

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 6, 2012

LAW OFFICES OF PANOS LAGOS

By: /s/ Lagos, Panos
Panos Lagos
Attorney for Plaintiff JORDAN BRANSCUM

Dated: November 6, 2012

MCNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP

By: /s/ Blechman, Noah
James V. Fitzgerald, III / Noah G. Blechman
Attorneys for Defendants
SAN RAMON POLICE DEPARTMENT, CHIEF
SCOTT HOLDER, CITY OF SAN RAMON,
OFFICER PAUL BURKE, OFFICER JOSEPH NUNN,
OFFICER T J REEDER, OFFICER JONATHAN
STEPHENS and OFFICER STANLEY SZETO

ORDER

Good cause having been shown by the parties, the Court GRANTS the parties' request to extend the deadline for expert disclosures and discovery and ORDERS the following new deadlines as the updated case management schedule .

<u>DATE</u>	<u>EVENT</u>
January 25, 2013	Expert Disclosures Due
February 8, 2013	Rebuttal Expert Disclosures Due
February 28, 2013	Expert Discovery Closes

IT IS SO ORDERED

Dated: November 8, 2012

By: 
Hon. Laurel Beeler
United States Magistrate Judge