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 20 DUNCAN McMARTIN

21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA

23 DUNCAN McMARTIN,  
 24 Plaintiff,  
 25 v.  
 26 MENDOCINO-LAKE COMMUNITY  
 27 COLLEGE DISTRICT  
 28 Defendants.

Case No. 3:12-cv-02446-RS

**STIPULATION AND ~~PROPOSED~~ ORDER  
 CONTINUING MEDIATION COMPLIANCE  
 DATE**

Defendant MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT and plaintiff DUNCAN MCMARTIN, by and through their respective attorneys of record, hereby stipulate as follows:

1. The parties appeared for an initial case management conference on August 23, 2012. Pursuant to this Court's Pretrial Order dated August 24, 2012, the following discovery and dispositive motion deadlines were set:

- 1 (A) Non-Expert Discovery to be completed by 08-02-13;
- 2 (B) Expert Discovery to be completed by 10-18-13;
- 3 (C) All Pre-Trial motions to be heard by 01-09-14
- 4 (D) Final Pre-Trial Conference to be held 03-13-14
- 5 (e) Trial to commence 03-24-14

6 2. The parties were further referred to mediation on August 24, 2012 and were ordered to  
7 complete the mediation within 120 days of August 24, 2012 (December 22, 2012). The parties were  
8 assigned to mediator Jeffrey Wohl and agreed to schedule mediation for December 10, 2012.

9 3. The parties agreed at the Conference that they would limit themselves to one witness/party  
10 deposition per side prior to mediation.

11 4. Plaintiff's deposition was commenced on November 1, 2012, the soonest date practical  
12 after the parties propounded and responded to initial necessary discovery. The deposition could not be  
13 completed on November 1, 2012. To date, approximately six hours of deposition time has been taken.  
14 The parties are presently meeting and conferring regarding the reasonably appropriate additional  
15 deposition time needed to complete the deposition, but have agreed to additional time. The parties  
16 contemplate scheduling that continued deposition for late November/early December, as counsel for  
17 defendant is scheduled to be on vacation from November 19 through November 25, 2012.

18 5. Plaintiff took a single pre-mediation deposition of a key witness on November 6, 2012.

19 6. To be adequately prepared in advance of mediation, defendant needs to further depose  
20 plaintiff. Following the deposition, counsel for defendant needs time to advise and meet with his clients  
21 in advance of deposition. Absent completing the foregoing, defendant will be unable to meaningfully  
22 participate in mediation.

23 7. The parties do not intend to and are not seeking to expand any pre-mediation discovery  
24 not contemplated at and agreed to at the initial Case Management Conference of August 23, 2012. The  
25 parties are only requesting additional time so that plaintiff can be further deposed and defendant can  
26 adequately prepare for mediation.

27 8. The parties have consulted with mediator Jeffrey Wohl and have obtained two dates in  
28 January (January 8, 2012 and January 30, 2012) for which he is available. The parties will be unable to

1 confirm the exact date of mediation until November 20, 2012 at the earliest, as a key participant to the  
2 mediation is presently unreachable until November 20, 2012 due to a death in the family.

3 9. For all the good cause reasons stated above, the parties respectfully request this Court  
4 extend the parties' deadline to complete mediation until January 30, 2013, so that the parties can  
5 complete necessary discovery.

6 10. The parties' request for extension of the mediation compliance deadline will not interfere  
7 with the presently scheduled pretrial and trial dates set by the Court. The parties have submitted no prior  
8 stipulations to alter any deadlines set by the Court.

9 11. The parties respectfully request that the Court approve this stipulation and incorporate its  
10 terms in an Order.

11 IT IS SO STIPULATED.

12 BERTRAND, FOX & ELLIOT

13 Dated: November 15, 2012

By: /s/ Michael C. Wenzel, Esq.

Eugene B. Elliot, Esq.

Michael C. Wenzel, Esq.

Attorneys for Defendant

MENDOCINO-LAKE

COMMUNITY COLLEGE DISTRICT

18 LAW OFFICES OF SUSAN SHER

19 Dated: November 15, 2012

By: /s/ Susan Sher, Esq.

Susan Sher, Esq.

Attorneys for Plaintiff

DUNCAN McMARTIN

22 **ORDER**

23 GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to same, the  
24 parties' stipulation is hereby APPROVED. The deadline for the parties to complete mediation shall be  
25 continued until January 30, 2013.

26 **IT IS SO ORDERED.**

27 DATED: 11/15/12

28 

HONORABLE RICHARD SLEBORG

United States District Judge