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 9 MATTHEWS, MARK MOPAS, PETER WALSH, CITY AND COUNTY OF SAN  
 FRANCISCO, ALBERTO DUARTE, DARCY KELLER, and JON MCMAHON  
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 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 BRENT MCLAIN, an individual, and  
 MYLAN TRANG, an individual,

15 Plaintiffs,

16 vs.

17 CITY AND COUNTY OF SAN  
 18 FRANCISCO; SAN FRANCISCO POLICE  
 OFFICER NICK BETTENCOURT; SAN  
 19 FRANCISCO POLICE OFFICER ALBERTO  
 DUARTE; SAN FRANCISCO POLICE  
 20 OFFICER DARCY KELLER; SAN  
 FRANCISCO POLICE OFFICER DANNY  
 21 LOPEZ; SAN FRANCISCO POLICE  
 OFFICER KEITH MATTHEWS; SAN  
 22 FRANCISCO POLICE OFFICER JOHN  
 MCMAHON; SAN FRANCISCO POLICE  
 23 OFFICER MARK MOPAS; SAN  
 FRANCISCO POLICE OFFICER PETER  
 24 WALSH; and DOES 1 through 50, inclusive,

25 Defendants.

Case No. 12-CV-3225 MEJ

**STIPULATION AND ~~PROPOSED~~ ORDER  
 CONTINUING DISPOSITIVE MOTION,  
 DISCOVERY CUTOFF, AND EXPERT  
 DISCLOSURE DATES**

Current Trial Date: January 13, 2014

1 The parties hereby stipulate as follows:

2 WHEREAS the parties wish to file cross motions for summary judgment on the issue of  
3 probable cause;

4 WHEREAS it would be efficient and save both parties significant resources to have that  
5 motion heard prior to engaging in discovery regarding damages;

6 WHEREAS the parties do not have sufficient time within the current schedule set by the court  
7 to have a motion heard prior to the close of discovery;

8 WHEREAS the parties therefore wish to continue the dates necessary to allow the parties to  
9 have a motion heard before the close of discovery;

10 WHEREAS continuing the discovery cut off date would make it impossible to meet the court's  
11 currently scheduled trial deadlines;

12 NOW THEREFORE, the parties stipulate and agree that:

13 1. The dispositive motion filing date shall be continued to July 18, 2013, and the hearing date  
14 for dispositive motions shall be continued to August 15, 2013 at 10:00 a.m.;

15 2. The discovery cut off date, including expert witness discovery, shall be continued to  
16 October 11, 2013;

17 3. The parties shall exchange expert witness reports as required by Federal Rule of Civil  
18 Procedure by September 20, 2013;

19 4. The parties shall exchange reports of rebuttal experts, if any, by September 30, 2013;

20 5. The parties shall meet and confer regarding the pretrial statement and exchange papers  
21 required by Rule 26(a)(3) by November 14, 2013;

22 6. The parties shall file their pretrial submissions and joint pretrial statement with the court by  
23 December 6, 2013.

24 7. The parties shall file their motions in limine by December 6, 2013, with oppositions to be  
25 filed by December 13, 2013.

26 8. The parties shall file a joint set of voir dire questions, trial briefs, joint jury instructions and  
27 proposed joint or separate verdict forms by December 20, 2013.

1 9. The Court shall hold a pretrial conference on January 9, 2014 at 10:00 a.m. in Courtroom B  
2 to address any outstanding trial issues.

3 10. Trial shall be on Monday January 13, 2014 beginning at 9:30 a.m.

4 Except for the change of dates, the other provisions of the Court's September 17, 2012 Case  
5 Management Order shall remain in effect.

6 Dated: June 11, 2013

DENNIS J. HERRERA  
City Attorney  
CHERYL ADAMS  
Chief Trial Attorney  
MARGARET W. BAUMGARTNER  
Deputy City Attorney

11 By: /s/ Margaret W. Baumgartner  
MARGARET W. BAUMGARTNER

12 Attorneys for Defendants  
13 CITY AND COUNTY OF SAN  
14 FRANCISCO, ET AL.

15 Dated: June 11, 2013

PRATHER LAW OFFICES

17 By: /s/ Sybil L. Renick  
18 EDWIN K. PRATHER  
19 SYBIL L. RENICK

20 Attorneys for Plaintiffs  
21 BRENT MCLAIN and  
22 MYLAN TRANG

23 **ORDER**

24 Pursuant to this stipulation, IT IS SO ORDERED.

25 Dated: June 12, 2013

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HON. MARIA ELENA JAMES

27 UNITED STATES MAGISTRATE JUDGE