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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 CAROLYN COPELAND, et al.,

CASE NO.: 4:12-cv-04286 JST

13
14 Plaintiffs,

15 vs.

16 COUNTY OF ALAMEDA, et al.,

**STIPULATION REGARDING ADR,
EXPERT WITNESS DESIGNATIONS, AND
FACT DISCOVERY CUTOFF (PROPOSED)
ORDER**

17 Defendants.
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21 **STIPULATION**

22 WHEREAS, the parties have proceeded with conducting discovery in the instant action;

23 WHEREAS, the parties previously submitted to the Court a Notice of Need for ADR phone
24 conference, on October 14, 2014, to select an ADR method to attempt to resolve the instant action,
25 pursuant to the Court's Order of October 8, 2014;

26 WHEREAS, no ADR phone conference has been scheduled yet;

27 WHEREAS, the parties are completing discovery;

28 WHEREAS, Plaintiffs had previously set Defendants' depositions to take place in early

1 December, 2014, and moved Defendants' depositions, at their request to the end of January 2015;

2 WHEREAS, Defendants set Plaintiffs' depositions for January 30, 2015;

3 WHEREAS, Defendants have propounded contention interrogatories on Plaintiffs, which
4 cannot be meaningfully completed until the depositions of defendants have been completed;

5
6 WHEREAS, the parties have met and conferred regarding ADR, and wish to select a mediator
7 from the Court's ADR panel, in furtherance of resolving the instant action;

8 WHEREAS, fact discovery in this action is set to cutoff on February 3, 2015;

9 WHEREAS, Expert Witness Designations are due to be exchanged by February 27, 2015;

10 WHEREAS, Expert discovery in this action is set to cutoff on April 29, 2015;

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12 WHEREAS, the retention of retained expert witnesses in this matter will be one of the most
13 significant costs each party incurs in this action, and will include, at a minimum, retained use of
14 force, jail practice, and medical experts;

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16 WHEREFORE, the parties respectfully request that the Court's scheduling order in this action
17 (Doc. 56) be modified to allow the parties to attempt to resolve this action through the Court's ADR
18 mediation program without incurring the substantial cost of expert witnesses, by:

19 1. Extending the completion of fact discovery to March 5, 2015, such that Plaintiffs can
20 meaningfully respond to Defendants' contention interrogatories after having deposed defendants.

21
22 2. Extending the date for exchange of Opening Expert Witnesses Designations and
23 Reports to April 29, 2015;

24 3. Extending the Expert Discovery date to June 12, 2015;

25
26 4. Ordering the Court's ADR unit to send the case to mediation to one of the ADR unit's
27 mediators with expertise in section 1983 use of force cases, such that mediation is conducted prior to
28

1 the exchange of expert witness designations. Counsel for the parties agree that sinking significant
2 costs into expert witnesses in this case may be counterproductive to this case's settlement prospects.

3
4 Respectfully submitted,

5 Dated: February 2, 2015

THE LAW OFFICES OF JOHN L. BURRIS

6
7 /s Benjamin Nisenbaum
8 Benjamin Nisenbaum
9 Attorney for Plaintiff

10 Dated: February 2, 2015

BERTRAND, FOX & ELLIOT

11 /s/
12 Michael Wenzel
13 Attorney for Defendants

14 **~~(PROPOSED)~~ ORDER**

15 **GOOD CAUSE SHOWN**, the Court hereby orders as follows:

- 16
- 17 1. This case is referred immediately forthwith the Court's ADR unit, for the parties to
18 select an available mediator. The ADR unit shall contact the parties counsel to discuss
19 available mediators within one week of the issuance of this Order.
 - 20 2. The close of fact discovery is hereby extended to March 5, 2015, such that Plaintiffs
21 shall respond to Defendants' contention interrogatories by the close of fact discovery.
 - 22 3. The date of exchange for Opening Expert Witness Designations and report is hereby
23 extended to April 29, 2015.
 - 24 4. The close of expert discovery is hereby extended to June 12, 2015.

25 IT IS SO ORDERED.

26 Dated: February 6, 2015

