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6 Attorneys for Plaintiff  
 JOHNDELL HENDERSON  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

11 JOHNDELL HENDERSON,

12 Plaintiff,

13 v.

14 CAROLYN HERNANDEZ; W.L. MUNIZ, et al. ,

15 Defendants.

Case No.: 3:14-cv-01857-JST

**STIPULATION AND MOTION TO  
 CONTINUE THE CASE SCHEDULE**

**FED. R. CIV. PROC. 16(B)(4); L.R. 16-  
 2(D); L.R. 7-1; L.R. 7-12**

Judge: Jon S. Tigar

16  
 17 Defendants C. Hernandez and W.L. Muniz, joined by Plaintiff Johndell Henderson (the  
 18 "Parties") hereby stipulate and move for the following modifications of the Case Schedule pursuant  
 19 to Federal Rule of Civil Procedure 16(b)(4) and Local Rule 16-2(d), for the reasons set forth below.

20 **I. CIRCUMSTANCES CONSTITUTING GOOD FAITH REASONS TO MODIFY  
 CASE MANAGEMENT ORDER**  
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22 Henderson's Motion to Modify or Rescind the Court's previous summary judgment order is  
 23 submitted and pending before the Court. (ECF Nos. 126-129.) That Motion, if granted, would  
 24 substantially affect the scope of discovery in this action.

25 In light of the pending motion, the Plaintiff has not pursued discovery that is outside the  
 26 scope of the claims as they stand after the Court's grant of summary judgment (which was entered  
 27 before counsel for Mr. Henderson was appointed).

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1 **II. PROPOSED CASE SCHEDULE MODIFICATION<sup>1</sup>**

2 Based on the foregoing, the Parties hereby stipulate, and respectfully request of the Court,  
3 the following modification of the Case Management deadlines, which continues to current schedule  
4 approximately two months:

5

6 <b>Event</b>	<b>Currently Scheduled Date</b>	<b>Proposed Modification</b>
7 Close of fact discovery	December 28, 2018	March 1, 2019
8 Expert disclosures and opening expert reports due	January 25, 2019	March 15, 2019
9 Rebuttal expert disclosures and rebuttal reports due	February 18, 2019	March 29, 2019
10 Close of expert discovery	March 8, 2019	April 12, 2019
11 Deadline for summary-judgment motions	April 18, 2019	May 3, 2019
12 Pretrial conference statement due	July 26, 2019	July 26, 2019
13 Pretrial Conference	August 2, 2019 at 2:00 p.m.	August 2, 2019 at 2:00 p.m.
14 Trial	August 26, 2019 at 8:30 a.m.	August 26, 2019 at 8:30 a.m.

15 Dated: November 30, 2018

COZEN O'CONNOR

16 By: /s/ Teri Mae Rutledge

17 Michael W. Melendez

18 Teri Mae Rutledge

Attorneys for Plaintiff

JOHNDELL HENDERSON

20 Dated: November 30, 2018

STATE OF CALIFORNIA, ATTORNEY  
GENERAL'S OFFICE

22 By: /s/ Jeffrey Fisher

23 Jeffrey Fisher

24 Deputy Attorney General

Attorneys for Defendants

C. HERNANDEZ and W.L. MUNIZ

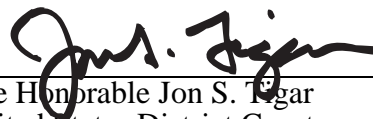
26 <sup>1</sup> The Parties have not sought to move the trial date due to a potential conflict with defense counsel's trial in Hunter  
27 v. Sokoloff, No. C 14-05031-JST (PR), currently scheduled for December 9, 2019, before this Court. If the Court  
28 has concerns about any aspect of the proposed schedule, the Parties ask the Court to set a scheduling conference or  
otherwise identify another available trial date (preferably at least 45 days from December 9, 2019) around which  
the Parties can plan a proposed schedule.

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**ORDER**

Pursuant to stipulation and good cause appearing therein, IT IS SO ORDERED.

Dated: December 3, 2018



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The Honorable Jon S. Tigar  
United States District Court  
Northern District of California

1 **PROOF OF SERVICE**

2 I, the undersigned, declare that I am employed in the city of San Francisco, State of  
3 California. I am over the age of 18 years and not a party to the within cause; my business address  
4 is 101 Montgomery Street, Suite 1400, San Francisco, California.

5 On December 3, 2018, I served the following documents:

6 **STIPULATION AND MOTION TO CONTINUE THE CASE  
7 SCHEDULE**

8 on the following interested party(ies) in the matter of Henderson v. Hernandez, et al., U.S.D.C.  
9 Northern California Case No. 3:14-cv-01857-JST:

10 **SERVICE LIST**

11 Xavier Becerra 12 William C. Kwong 13 Ian Michael Ellis 14 Jeffrey T. Fisher 15 California State Attorney General's Office 16 Correctional Law Section 17 455 Golden Gate Avenue, Suite 11000 18 San Francisco, California 94102	19 Counsel for Defendants, 20 Carolyn Hernandez; W.L. Muniz, et al. 21 22 Tel: (415) 510-3567 23 Fax: (415) 703-5843 24 Email: ian.ellis@doj.ca.gov 25 jeffrey.fisher@doj.ca.gov
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26  **By electronic service.** Based on a court order or an agreement of the parties  
27 to accept electronic service, I caused the documents to be sent to the persons  
28 at the electronic service addresses listed.

29 I declare under penalty of perjury that the foregoing is true and correct and that this  
30 declaration was executed on December 3, 2018 at San Francisco, California.

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32 Andrea Mackenzie

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**ECF ATTESTATION**

I, Teri Mae Rutledge, am the ECF user whose ID and password are being used to file this document. I hereby attest that Jeffrey Fisher has concurred in this filing.

Dated: December 3, 2018

COZEN O'CONNOR

By: /s/ Teri Mae Rutledge  
Michael W. Melendez  
Teri Mae Rutledge  
Attorneys for Plaintiff  
JOHNDELL HENDERSON