

1 Jennifer S. Anderson (SBN 202864)
2 janderson@jandersonlegal.com
3 9715 King Road
4 Loomis, California 95650
5 Telephone: (916) 280-5221

6 Attorney for Plaintiff
7 PAUL SOMERS

8 SEYFARTH SHAW LLP

9 Brian T. Ashe (SBN 139999)
10 bashe@seyfarth.com
11 Shireen Yvette Wetmore (SBN 278501)
12 swetmore@seyfarth.com
13 560 Mission Street, 31st Floor
14 San Francisco, California 94105
15 Telephone: (415) 397-2823
16 Facsimile: (415) 397-8549

17 SEYFARTH SHAW LLP
18 Kyle A. Petersen (ISBN 6275689) (admitted *Pro Hac Vice*)
19 kpetersen@seyfarth.com
20 131 South Dearborn Street, Suite 2400
21 Chicago, Illinois 60603
22 Telephone: (312) 460-5000
23 Facsimile: (312) 460-7000

24 Attorneys for Defendants
25 DIGITAL REALTY TRUST, INC.
26 and ELLEN JACOBS

27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA

19 PAUL SOMERS, an individual,
20 Plaintiff,
21 v.
22 DIGITAL REALTY TRUST, INC., a Maryland
23 corporation; ELLEN JACOBS, an individual, and
24 DOES ONE through TEN, inclusive,
25 Defendants.

Case No. 3:14-cv-05180 EMC (KAW)

**EXPEDITED STIPULATION TO
CONTINUE PLAINTIFF'S DEPOSITION
TO ALLOW FOR SUBSTITUTION OF
COUNSEL; ~~PROPOSED~~ ORDER**

EXPEDITED STIPULATION TO CONTINUE PLAINTIFF'S DEPOSITION TO ALLOW FOR SUBSTITUTION OF
COUNSEL; [PROPOSED] ORDER // CASE NO. 3:14-CV-05180 EMC (KAW)

1 The parties to the captioned matter, by and through their respective counsel of record, hereby
2 stipulate:

3 1. WHEREAS, Plaintiff's current counsel of record, Jennifer Anderson, substituted into this
4 lawsuit on October 4, 2016;

5 2. WHEREAS, Plaintiff informed Ms. Anderson on October 19, 2016 that he is terminating
6 her engagement as his counsel effective immediately and that she is to withdraw as counsel of record, or
7 words to that effect;

8 3. WHEREAS, this Court ordered Plaintiff's deposition to be taken next week, on October
9 26, 2016;

10 4. WHEREAS, Ms. Anderson will not be relieved as counsel by October 26, 2016, nor will
11 plaintiff have an opportunity to hire new counsel by that date;

12 5. WHEREAS, defense counsel is unwilling to proceed with plaintiff's deposition until the
13 Court reviews and approves Plaintiff's representation situation, which will not happen today;

14 6. WHEREAS, defense counsel cannot properly prepare for Plaintiff's October 26, 2016
15 deposition after today due to counsel's travel schedule and other client commitments;

16 NOW, THEREFORE, the parties stipulate to continue Plaintiff's deposition from October 26,
17 2016 to November 22, 2016 and ask the Court to find GOOD CAUSE for Plaintiff's deposition to take
18 place then. This continuance of the ordered deposition will allow Plaintiff's current counsel to withdraw
19 from the case in an orderly fashion, provide the Plaintiff with an opportunity to hire new counsel and
20 have that counsel be prepared to defend the deposition, and assure defense counsel that Plaintiff has the
21 opportunity to have his deposition taken with counsel of his choice representing him, if any.

22 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

23 I, Brian T. Ashe, attest that concurrence in the filing of this stipulation has been obtained from
24 the signatory, Jennifer Suzanne Anderson, counsel for Plaintiff.

25 Executed this 19th day of October 2016, in San Francisco, CA.

26
27 /s/ Brian T. Ashe
28 Brian T. Ashe

1 DATED: October 19, 2016

Respectfully submitted,

2
3 By: /s/ Jennifer S. Anderson
4 Jennifer S. Anderson

5 Attorney for Plaintiff
6 PAUL SOMERS
7

8 DATED: October 19, 2016

Respectfully submitted,

9 SEYFARTH SHAW LLP
10

11 By: /s/ Brian T. Ashe

12 Brian T. Ashe
13 Kyle A. Petersen
14 Shireen Y. Wetmore

15 Attorneys for Defendants
16 DIGITAL REALTY TRUST
17 and ELLEN JACOBS

18 **[PROPOSED] ORDER**

19 GOOD CAUSE appearing therefore, it is hereby ORDERED that plaintiff's deposition shall be
20 continued from October 26, 2016 to November 22, 2016.

21 DATED: 10/19/16

22 
23 THE HONORABLE KANDIS A. WESTMORE
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