1 2 3 4 5 6 7	ORRY P. KORB, County Counsel (S.B. #114399) DAVID M. ROLLO, Deputy County Counsel (S.E MEGHAN F. LOISEL, Deputy County Counsel (S OFFICE OF THE COUNTY COUNSEL 70 West Hedding Street, East Wing, Ninth Floor San Jose, California 95110-1770 Telephone: (408) 299-5900 Facsimile: (408) 292-7240 Attorneys for Defendants COUNTY OF SANTA CLARA, SHERIFF LAURIE SMITH, JOHN HIROKAWA, and MARYANN BARRY	B. #111998)	
8 9	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)		
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11	CARLO ANTONIO DELCONTE,	No. 14-CV-5334 WHO	
12	Plaintiff,	DEFENDANTS' REQUEST FOR A MODIFICATION OF THE BRIEFING	
13	V.	SCHEDULE; DECLARATION OF DAVID M. ROLLO; ORDER	
14	COUNTY OF SANTA CLARA, et al.,	M. KOLLO; OKDEK	
15	Defendants.		
16			
17	COMES NOW Defendants the County of Santa Clara, Sheriff Laurie Smith, John Hirokawa,		
18	and Maryann Barry who request a modification of the Order Denying Motion to Transfer; Setting		
19	Briefing Schedule; Instructions to Parties (Dkt. No. 9) as follows:		
20	PENDING ORDER	PROPOSED ORDER	
21	On or before July 13, 2015, defendants shall	On or before October 12, 2015, defendants	
22	file a dispositive motion, or notice regarding such motion, regarding the claims raised in	shall file a dispositive motion, or notice regarding such motion, regarding the claims	
23	the complaint.	raised in the complaint.	
24	Good cause exists for this motion. Plaintiff Carlo Delconte has made wide-reaching		
25	allegations about County practices and his experiences while incarcerated; and Defendants need		
26	more time to investigate these claims. Plaintiff raises five separate causes of action, including		
27	constitutional claims, federal statutory claims, and state common law claims. Dkt. No. 1 at 7-14. He		
28	names both the County and individual employees as defendants. <i>Id.</i> at 3-4. And his claims are $\frac{1}{1}$		

1	based on three separate allegations: that another inm	ate attacked him, that he was placed in a holding
2	cell with the inmate who attacked him, and that he w	vas released without necessary medication. Id. at
3	47.	
4	Additionally, the Deputy County Counsel as	signed to this case has had other legal deadlines
5	that prevented him from preparing a motion for sum	mary judgment by July 13, 2015. See
6	Declaration of David Rollo Decl. at ¶2-5. Finally,	this is Defendants' first request for an extension
7	of time. <i>Id.</i> at ¶9.	
8	For the reasons stated above, Defendants resp	pectfully request that the Court modify its order
9	to grant a 90-day extension.	
10	Dated: July 1, 2015	Respectfully submitted,
11		ORRY P. KORB
12		County Counsel
13	Dyr	/S/
14	By:	DAVID M. ROLLO
15		Deputy County Counsel
16		Attorneys for Defendants COUNTY OF SANTA CLARA, SHERIFF
17		LAURIE SMITH, JOHN HIROKAWA, and MARYANN BARRY
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Defendants' Request for a Modification of the Briefing Schedule; Declaration of David M. Rollo; Order

DECLARATION OF DAVD M. ROLLO IN SUPPORT OF DEFENDANTS' REQUEST FOR A MODIFICATION OF THE BRIEFING SCHEDULE

I, David M. Rollo, declare as follows:

I am employed as a Deputy County Counsel for the County of Santa Clara and am
 licensed to practice law before this court and all courts of the State of California. I am attorney of
 record for Defendants herein.

2. On or about April 22, 2015, this case was transferred to me from another Deputy County
8 Counsel and I filed a Notice of Appearance on May 8, 2015.

9 3. Since that time, I have had limited time to review the pleadings and respond to various
outstanding discovery requests served by plaintiff. I am still in the process of determining the merits
and issues with regard to filing a summary judgment motion.

4. I have been assigned four other new matters during the May-June period in addition to
my pre-existing case load. In three of those matters, over 15 separate motions have been filed and I
prepared responses over the past thirty days.

15 5. I have been busy with discovery requests and the preparation of responses in other
16 matters as well during this period.

5. In addition to my normal workload I had previously scheduled vacation dates on from
May 22 through May 26, and from July 3 to July 12.

I will need approximately ninety more days from the originally scheduled date to review
 plaintiff's pleadings and evidence, the applicable case authority, any other available evidence; to
 make a reasoned decision on the propriety of a summary judgment motion; and to prepare a motion.
 In light of these scheduling issues, Defendants respectfully request that the scheduling
 order be modified and that the date for Defendants to file their dispositive motion be extended to
 October 12, 2015. There have been no other requests for modification of the briefing schedule by

25 Defendants.

I declare under penalty of perjury the foregoing is true and correct, and I executed this
Declaration on July 1, 2015 at San Jose, California.

By:

/s/ DAVID M. ROLLO

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1	ORDER
2	The Court has considered the Defendant's request to modify the briefing schedule and makes
3	the following modification:
4	Defendant shall have until October 12, 2015 to file a motion for summary judgment or other
5	dispositive motion. Plaintiff's opposition to this motion, if any, shall be filed forty-five days after
6	Defendants' motion has been filed. Defendant's reply, if any, shall be filed within thirty days after
7	the opposition has been filed. No other aspect of the Order Denying Motion to Transfer; Setting
8	Briefing Schedule; Instructions to Parties (Dkt. No. 9) is amended or modified.
9	IT IS SO ORDERED.
10	Dated: July 7, 2015 By
11	WILLIAM H. ORRICK United States District Court Judge
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