

1 JON A. HEABERLIN (SBN 199810)
RANKIN | STOCK | HEABERLIN
 2 96 No. Third Street, Suite 500
 San Jose, California 95112-7709
 3 Telephone : (408) 293-0463
 Facsimile : (408) 293-9514
 4

5 Attorneys for Defendants
 COUNTY OF SAN BENITO, MIKE MULL,
 6 VICTOR CASADA

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12	NANCY MARTINEZ,)	Case No. 3:15-CV-00331 JST
13	Plaintiff,)	STIPULATION AND PROPOSED ORDER REGARDING ISSUE OF POSSIBLE NEW CLAIM BY PLAINTIFF NANCY MARTINEZ
14	vs.)	
15	COUNTY OF SAN BENITO, MIKE)	
16	MULL, VICTOR CASADA, and)	
17	DOES 1-50,)	
17	Defendants.)	
18	_____)	

19 WHEREAS on October 30, 2017, Plaintiff NANCY MARTINEZ presented a new
 20 claim under the California Government Code to the County of San Benito for an incident
 21 with County Sheriffs' deputies that occurred on or about April 29, 2017;

22 WHEREAS the claim was rejected by operation of law on or about December 14,
 23 2017;

24 WHEREAS during the Case Management Conference on December 6, 2017,
 25 defense counsel raised the issue of whether Plaintiff Martinez would be filing a new
 26 lawsuit, and whether that new lawsuit should be consolidated with the present litigation for
 27 one jury trial; and

28 WHEREAS His Honor asked the parties to meet and confer on how to address this

1 issue in light of the pending case schedule and the Court's reluctance to amend it once
2 again;

3 THE PARTIES HEREBY STIPULATE, THROUGH THEIR COUNSEL OF RECORD
4 HEREIN:

5 1. Plaintiff NANCY MARTINEZ shall decide by January 15, 2018 whether she
6 intends to litigate any claims relating to her April 29, 2017 incident in connection with the
7 present litigation.

8 2. Should she elect to litigate the new claims with this case, she must file an
9 proposed amended complaint by January 15, 2018. If she does so, the parties shall
10 immediately meet and confer on an expedited discovery plan that contemplates the new
11 claims, but does not affect the case schedule as ordered by the Court in the *Amended*
12 *Scheduling Order and Order Dismissing Summary Judgment as Moot* (Docket 71) with the
13 following exceptions: the Court will consider a reasonable extension on the fact discovery
14 cut-off, and expert disclosure deadlines to the extent those implicate the new claims only.

15 JOHN KEVIN CROWLEY, ESQ.

16
17 DATED /s/ Dec. 15, 2017

/s/ John Kevin Crowley, Esq.
JOHN KEVIN CROWLEY, ESQ.
Attorneys for Plaintiffs

18
19 Dated: /s/. Dec. 15, 2017

RANKIN | STOCK | HEABERLIN

20
21 By: /s/ Jon A. Heaberlin
JON A. HEABERLIN
Attorneys for Defendants

22
23
24 //

25 //

26 //

27 //

28 //

ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff NANCY MARTINEZ shall decide by January 15, 2018 whether she intends to litigate any claims relating to her April 29, 2017 incident in connection with the present litigation.

Should she elect to litigate the new claims with this case, she must file ~~an proposed~~ a stipulation or motion for leave to file an amended complaint by January 15, 2018. If she does so, the parties shall immediately meet and confer on an expedited discovery plan that contemplates the new claims, but does not affect the case schedule as ordered by the Court in the *Amended Scheduling Order and Order Dismissing Summary Judgment as Moot* (Docket 71) with the following exceptions: the Court will consider a reasonable extension on the fact discovery cut-off, and expert disclosure deadlines to the extent those implicate the new claims only.

IT IS SO ORDERED.

Dated: December 19, 2017



JUDGE OF THE U.S. DISTRICT COURT