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18 *Attorneys for Defendants*

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 SHAUN A. ANDERSON, etc.,

23 Plaintiff,

24 v.

25 COUNTY OF CONTRA COSTA, a
26 municipal corporation, et al.,

27 Defendants.
28

Case No. 15-CV-01673-RS

**JOINT MOTION TO MODIFY
SCHEDULING ORDER;
~~PROPOSED~~ ORDER**

Complaint Filed: April 13, 2015

1 The parties to the above-entitled action jointly request that this Court modify the existing
2 Case Management Scheduling Order (Dkt. #42) and “Joint Stipulation and Order to Extend
3 Deadline for Disclosure of Expert Witnesses and Pretrial Motions” (Dkt. #47) by extending all
4 current and pending deadlines and dates as set forth herein . In support of this Motion, the
5 parties show the Court as follows:

6 1. On September 24, 2015, the Court entered its Case Management Scheduling
7 Order (“Scheduling Order”). *See* Dkt #42. Under the Scheduling Order, the fact discovery
8 cutoff date is June 17, 2016. *Id.*

9 2. On February 29, 2016, the Court entered a certain “Joint Stipulation and Order to
10 Extend Deadline for Disclosure of Expert Witnesses and Pretrial Motions” (hereinafter,
11 “February 29 Order”). *See* Dkt. #47. Under that February 29 Order the last day for: (A) parties
12 to designate experts in accordance with Federal Rule of Civil Procedure 26(a)(2) is June 14,
13 2016; (B) parties to designate supplemental and rebuttal experts in accordance with Federal Rule
14 of Civil Procedure 26(a)(2) is July 14, 2016; (C) parties to complete discovery of expert
15 witnesses is August 12, 2016; and (D) pretrial motions to be heard is September 9, 2016.

16 3. Recently, the parties have indicated a willingness to participate in a private
17 mediation, and have set a mediation date for August 4, 2016.

18 4. It is the parties’ hope that this mediation will result in a final, amicable resolution
19 of this matter. And the parties wish to avoid further expenditure of resources on the litigation
20 while exploring settlement.

21 5. In order to accommodate the parties’ attempt to settle this case, and to assure that
22 no current deadlines lapse, the parties are seeking an extension, as set forth below, of all current
23 dates and deadlines in the Scheduling Order and February 29, 2016 Order.

24 6. More specifically, the parties are seeking to modify the Scheduling Order and
25 February 29, 2016 Order as follows:
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A. Scheduling Order (Dkt. #42)

Deadline	Current Date	Extended Date
Fact Discovery Cutoff	June 17, 2016	September 16, 2016
Further Case Management Conference	June 23, 2016 @ 10:00 am	October 13, 2016 @ 10:00 am
Pretrial Conference	September 15, 2016 @ 10:00 am	January 12, 2017 @ 10:00 am
Jury Trial	October 17, 2016 @ 9:00 am	To be set by the Court

B. February 29, 2016 Order (Dkt. #47)

Deadline	Current Date	Extended Date
Last day for parties to designate experts in accordance with Federal Rule of Civil Procedure 26(a)(2)	June 14, 2016	September 12, 2016
Last day for parties to designate supplemental and rebuttal experts in accordance with Federal Rule of Civil Procedure 26(a)(2)	July 14, 2016	October 12, 2016
Last day for parties to complete discovery of expert witnesses is August 12, 2016	August 12, 2016	November 11, 2016
Last day for pretrial motions to be heard	September 9, 2016	December 8, 2016

7. A scheduling order may be modified “for good cause and with the judge’s consent.” Fed. R. Civ.P. 16(b)(4). District Courts are the masters of their own calendars, and thus enjoy “broad discretion” in reviewing motions for continuance and determining deadlines for pretrial and trial activities. *Morris v. Slappy*, 461 U.S. 1, 11 (1983); *Phillips v. Ferguson*, 182 F.3d 769, 775 (10th Cir. 1999).

8. Under the circumstances, as set forth herein, the parties believe, and urge the Court to find, that there is “good cause” to modify the existing Case Management Scheduling Order (Dkt. #42) and “Joint Stipulation and Order to Extend Deadline for Disclosure of Expert

1 Witnesses and Pretrial Motions” (Dkt. #47) by extending all current and pending deadlines and
2 dates by sixty (60) days (as set forth in ¶ 6, *supra*).

3 9. This Motion is not sought for the purpose of unnecessary delay, or for any other
4 improper purpose.

5 WHEREFORE, premises considered, the parties jointly request that Court enter an Order
6 modifying the existing Case Management Scheduling Order (Dkt. #42) and “Joint Stipulation
7 and Order to Extend Deadline for Disclosure of Expert Witnesses and Pretrial Motions” (Dkt.
8 #47) by extending all current and pending deadlines and dates as set forth in ¶ 6, *supra*.

9 Dated: June 13, 2016

Dated: June 13, 2016

10 /s/Robert M. Blakemore
11 Robert M. Blakemore
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/s/ James V. Fitzgerald, III
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12 /s/ David M. Given
13 David M. Given
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Attorneys for Defendants

15 Attorneys for Plaintiff

16 **ATTESTATION**

17 I, David M. Given, am the ECF user whose identification and password is being used to
18 file the instant document. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel
19 whose electronic signatures appear above provided their authority and concurrence to file this
20 document.

/s/ David M. Given
David M. Given

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~~PROPOSED~~ ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED that the schedule of this case shall be modified as follows:

1. Last day for parties to designate experts in accordance with Federal Rule of Civil Procedure 26(a)(2) shall be September 12, 2016.
2. Fact Discovery Cut-off shall be September 16, 2016.
3. Last day for parties to designate supplemental and rebuttal experts in accordance with Federal Rule of Civil Procedure 26(a)(2) shall be October 12, 2016.
4. Further Case Management Conference shall be held on October 13, 2016 at 10:00 am.
5. Last day for parties to complete discovery of expert witnesses is November 11, 2016
6. Last day for pretrial motions to be heard December 8, 2016.
7. Pretrial Conference shall be held on January 12, 2017 at 10:00 a.m.
8. Jury trial shall be set for January 23, 2017.

IT IS SO ORDERED.

Dated: 6/13/16



Honorable Richard Seeborg
United States District Judge