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8 SANTA ROSA CITY SCHOOLS

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 JANE DOE NO. 59,

13 Plaintiff,

14 v.

15 SANTA ROSA CITY SCHOOLS,

16 Defendants.

17 AND RELATED CROSS-ACTION.

Case No. 3:16-cv-01256-WHO

**STIPULATION AND ORDER TO CONTINUE
FACT AND EXPERT DISCOVERY CUTOFF**

Hon. William H. Orrick

19 **STIPULATION**

20 Defendant SANTA ROSA CITY SCHOOLS (the "DISTRICT") and plaintiff JANE DOE NO. 59
21 by and through their respective attorneys of record, hereby stipulate as follows:

22 1. The Court assigned a Fact Discovery cutoff date of February 14, 2017. Trial is set for
23 August 14, 2017.

24 2. The Parties were originally assigned a settlement conference date of November 30, 2016
25 with Magistrate Judge Maria-Elena James. On November 28, 2016, Magistrate James granted the
26 parties' request to continue the settlement conference to January 20, 2017 due to the unavailability of
27 persons with settlement authority on behalf of the DISTRICT. On January 19, 2017, Magistrate James
^^

1 vacated the settlement conference due to concerns regarding protests at the Federal Courthouse. The
2 settlement conference was then re-set for February 9, 2017. The case did not settle at that time, and a
3 further settlement conference has been set for June 12, 2017 with Magistrate James.

4 3. The Parties had intended to minimize the costs and expenses of litigation by engaging in
5 limited discovery before the settlement conference. Because the case did not resolve at the settlement
6 conference, both parties require additional time to complete discovery.

7 4. The DISTRICT intends to conduct the following further discovery: (1) complete the
8 deposition of Mother DOE; (2) depose Father DOE; (3) depose DOE's school and private counselors; (4)
9 depose further witnesses; (5) conduct a psychological examination of DOE (which plaintiff's counsel has
10 stipulated to); and (6) propound additional written discovery.

11 DOE intends to conduct the following further discovery: (1) depose Defendant's District
12 Representative(s) in accordance with Rule 30(b)(6); (2) depose further fact witnesses; (3) review
13 Defendant's forthcoming responses to Plaintiff's discovery requests; and (4) conduct potential additional
14 discovery necessitated by forthcoming responses to Plaintiff's discovery requests.

15 6. The parties therefore respectfully request that the Court extend the Fact Discovery cutoff
16 date 60 days to April 10, 2017. This extension will not affect the trial date or any other dates previously
17 set by the Court. In fact, the parties' stipulation of extending the Fact Discovery cutoff is contingent on
18 such an extension not affecting the trial date.

19 7. Further, Plaintiff's Motion to Compel Production of Complete Juvenile Case File for C.E.
20 (DE 54) is still pending. In the event this Court grants Plaintiff's unopposed Motion, Plaintiff anticipates
21 that the production of the Case File may provide for further discovery, as well.

22 8. Expert Disclosure is currently set for March 14, 2017. Expert rebuttal is set for April 14,
23 2017. Expert discovery cutoff is set for May 15, 2017.

24 9. The parties respectfully request that the Court extend the Expert Discovery deadlines 30
25 days as follows: (1) Expert Disclosure: April 14, 2017; (2) Expert rebuttal: May 15, 2017; (3) Expert
26 Discovery cutoff: June 15, 2017. This extension will not affect the trial date or any other dates
27 previously set by the Court. In fact, the parties' stipulation of extending the Discovery cutoff is
contingent on such an extension not affecting the trial date.

1 10. The parties respectfully request that the Court approve this stipulation and incorporate its
2 terms in an Order.

3
4 Dated: February 13, 2017

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

6 By: /s/ Ethan Lowry
7 Eugene B. Elliot
8 Ethan M. Lowry
9 Kate L. Brown
Attorneys for Defendant
SANTA ROSA CITY SCHOOLS

10 Dated: February 13, 2017

HERMAN LAW

12 By: /s/ Arick Fudali
13 Arick Fudali, Esq. (Calf. Bar No. 296364)
14 Daniel G. Ellis, Esq. (Calf. Bar No. 298639)
Attorneys for Plaintiff
15 JANE DOE NO. 59

17 **ATTORNEY ATTESTATION**

18 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
19 conformed signature (“/s/”) within this E-filed document or have been authorized by all parties to show
20 their signature on this document as /s/.

21
22 Dated: February 13, 2017

By: /s/ Ethan Lowry
Ethan M. Lowry


1 **ORDER**

2 GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to the same, the
3 parties' stipulation is hereby APPROVED. The Fact Discovery cutoff currently set for February 14,
4 2017 is continued 60 days to April 10, 2017. This extension will not alter or affect the trial date or any
5 other dates previously set by the Court.

6 Expert Discovery deadlines are continued 30 days as follows: (1) Expert Disclosure: April 14,
7 2017; (2) Expert rebuttal: May 15, 2017; (3) Expert Discovery cutoff: June 15, 2017. This extension will
8 not affect the trial date or any other dates previously set by the Court.

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10 **IT IS SO ORDERED.**

11 Dated: February 13, 2017

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14 William H. Orrick
15 UNITED STATES DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare that I am employed in the County of San Francisco, California; I am
3 over the age of eighteen years and not a party to the within cause; and my business address is 2749 Hyde
4 Street, San Francisco, California 94109.

5 I am readily familiar with the practice of Bertrand, Fox, Elliot, Osman & Wenzel with respect to
6 the collection and processing of pleadings, discovery documents, motions and all other documents which
7 must be served upon opposing parties or other counsel in litigation. On the same day that
8 correspondence is placed for collection and mailing, it is deposited in the ordinary course of business
9 with the United States Postal Service in a sealed envelope with postage fully prepaid.

10 On **February 13, 2017**, I served the following document:

11 **STIPULATION AND [PROPOSED] ORDER TO CONTINUE FACT AND EXPERT
12 DISCOVERY CUTOFF**

13 on the following interested parties:

14 Ramon Espinosa *Pro Se Cross-Defendants*
15 Norma Espinosa
16 2426 Quail Hollow Drive
17 Santa Rosa, California 95403

18 Said service was performed in the following manner:

19 (✓) **BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope
20 addressed at noted above, with first-class mail postage thereon fully prepaid, for collection and
21 mailing at San Francisco, California, following the above-stated business practice, on this date.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. Executed **February 13, 2017**, at San Francisco, California.

24 _____
25 */s/ L Roberts*

26 L Roberts
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