1 2 3 4 5 6 7 8 9	BROWN   POORE LLP Scott A. Brown (SBN 177099) David M. Poore (SBN 192541) 1350 Treat Boulevard, Suite 420 Walnut Creek, California 94597 Telephone: (925) 943-1166 Facsimile: (925) 955-8600 sbrown@bplegalgroup.com Attorneys for Plaintiffs MICHAEL SIBBITT, JR.			
10	UNITED STATES DISTRICT COURT			
11	NORTHERN DISTRICT OF CALIFORNIA			
12	MICHAEL SIBBITT, JR.,	) Case No. 3:16-CV-04377 ) Case No. 3:16-CV-04373		
13		) )		
14	Plaintiffs,			
15	V.	) STIPULATION AND [PROPOSED] ORDER TO CONTINUE DISCOVERY		
16 17	CITY OF PITTSBURG; BRIAN ADDINGTON, MICHAEL PERRY and DOES 1-25,	AND EXPERT DESIGNATION DEADLINES; DECLARATION OF SCOTT A. BROWN IN SUPPORT OF		
18	Defendants.	) SAME		
19		)		
20 21	ELISABETH ANNE TERWILLIGER.,			
21	Plaintiffs,	/ ) )		
23	V.			
24				
25	CITY OF PITTSBURG; BRIAN ADDINGTON, MICHAEL PERRY and DOES			
26	1-25,	)		
27 28	Defendants.	/ ) )		
	1 STIPULATION AND [PROPOSED] ORDER TO CONTINUE DISCOVERY Dockets.Justia.			

PLAINTIFFS MICHAEL SIBBITT JR., ELISABETH ANNE TERWILLIGER ("Plaintiffs")
 and DEFENDANTS CITY OF PITTSBURG, BRIAN ADDINGTON, MICHAEL PERRY, and
 PATRICK WENTZ ("Defendants"), by and through their counsel of record, hereby stipulate as
 follows:

WHEREAS on October 5, 2017, the Court issued a Case Management Scheduling Order (Document 56) and set the following deadlines:

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April 5, 2018 – deadline for non-expert discovery;

- April 26, 2018 deadline for expert designation;
- May 31, 2018 deadline for rebuttal expert designation;

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June 21, 2018 – deadline to complete expert discovery.

WHEREAS the parties have agreed to explore potential resolution of these consolidated cases
by attending mediation with Honorable Hurl Johnson (Ret.) on April 17, 2018. This was the earliest
date the parties could obtain that accommodated Judge Johnson's schedule;

WHEREAS the parties have agreed to a modified discovery schedule (2 depositions) before
the mediation with the remaining depositions to occur after mediation should the cases not resolve;

WHERAS the parties agree that it is most efficient and in the best interests of the Court and the parties for the Court to continue the deadlines for non-expert and expert discovery as set forth below; so that the parties can pursue settlement possibilities without incurring unnecessary litigation expenses associated with factual and expert discovery.

WHEREAS the parties believe good cause exists to continue the discovery cutoff dates as set forth below and an amendment to the scheduling order will cause no prejudice to either party since both parties have agreed to the continuance; and because the adjustment will not affect the other dates set by this Court and the trial date will not need to be continued.

NOW THEREFORE, the parties stipulate, by and through their counsel and pursuant to Court
approval, that:

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- The deadline for non-expert discovery is continued to June 27, 2018;
- The deadline for designation of expert witnesses is July 20, 2018;

1	Parties will designate	e their supplemental and rebuttal experts on or before August	
2	10, 2018;		
3	Discovery of expert	witnesses shall be completed by August 31, 2018.	
4	IT IS SO STIPULATED.		
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6	Dated: March 7, 2018	BROWN POORE LLP	
7		/s/ Scott A. Brown	
8		SCOTT A. BROWN	
9		Attorneys for Plaintiffs Michael Sibbitt, Jr. and Elisabeth Terwilliger	
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11	Dated: March 7, 2018	JACKSON LEWIS PC	
12		/s/ Michael J. Christian	
13		MICHAEL J. CHRISTIAN	
14		Attorneys for Defendants City of Pittsburg, Brian Addington, Michael Perry, and Patrick Wentz	
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	STIPULATION AND [PROPOSED] ORDER TO CONTINUE DISCOVERY		

## **DECLARATION OF SCOTT A. BROWN IN SUPPORT OF STIPULATION**

I, SCOTT A. BROWN, declare:

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1. I am an attorney licensed to practice law in the State of California and in the United States District Court for the Northern District. I am an attorney with the firm of Brown Poore, LLP, which represents Plaintiffs Michael Sibbitt, Jr. and Elisabeth Anne Terwilliger in the above-captioned matter. I have personal knowledge of the facts stated herein and if called as a witness I could and would competently testify thereto under oath.

8 2. In January 2018, after the pleadings were amended, my office noticed several
9 depositions of defense affiliated witnesses or employees to occur in February 2018. Defendants
10 raised objections to some of the deposition notices which were resolved informally. Defendants and
11 their counsel were unavailable during January and February 2018 for these depositions. They have
12 also requested several witnesses for deposition.

3. Defendants' counsel, Michael Christian, and I have agreed on behalf of the parties to
pursue potential resolution of these cases by participating in mediation on April 17, 2018 with
Honorable Hurl Johnson (Ret.) in either Sacramento or San Francisco. We believe the most efficient
use of the parties' resources involves proceeding with two depositions before the mediation and the
remaining 6-8 depositions of defense affiliated witnesses after the mediation if a settlement is not
reached.

4. No previous time modifications or continuances have been requested. The parties do not believe the requested time modification would impact any other scheduled dates in this matter.

5. I attest that concurrence in the filing of this document has been obtained from MichaelChristian, counsel for defendants, the other signatory to this document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 7<sup>th</sup> day of March 2018, at Walnut Creek, California.

/s/ Scott A. Brown SCOTT A. BROWN

1	PURSUANT TO STIPULATION AND SUPPORTING DECLARATION, IT IS SO ORDERED.
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4	Dated: 3/8/18 The Honorable Richard Seebag
5	United States District Judge
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	5 STIPULATION AND [PROPOSED] ORDER TO CONTINUE DISCOVERY

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