

Attorneys for Plaintiffs
MICHAEL SIBBITT, JR.

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

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

- 7 • April 5, 2018 – deadline for non-expert discovery;
- 8 • April 26, 2018 – deadline for expert designation;
- 9 • May 31, 2018 – deadline for rebuttal expert designation;
- 10 • June 21, 2018 – deadline to complete expert discovery.

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

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

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

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

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

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

- Parties will designate their supplemental and rebuttal experts on or before August 10, 2018;
- Discovery of expert witnesses shall be completed by August 31, 2018.

IT IS SO STIPULATED.

Dated: March 7, 2018

BROWN POORE LLP

/s/ Scott A. Brown

SCOTT A. BROWN

*Attorneys for Plaintiffs Michael Sibbitt, Jr. and
Elisabeth Terwilliger*

Dated: March 7, 2018

JACKSON LEWIS PC

/s/ Michael J. Christian

MICHAEL J. CHRISTIAN

*Attorneys for Defendants City of Pittsburgh, Brian
Addington, Michael Perry, and Patrick Wentz*

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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.


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.

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

SCOTT A. BROWN

1 PURSUANT TO STIPULATION AND SUPPORTING DECLARATION, IT IS SO ORDERED.
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4 Dated: 3/8/18


5 The Honorable Richard Seeborg
6 United States District Judge
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