Sibbitt v. City of	Pittsburg et al		D
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7	MICHAEL SIBBITT, JR.		
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10		S DISTRICT COURT	
11	NORTHERN DISTR	RICT OF CALIFORNIA	
12	MICHAEL SIBBITT, JR.,	Case No. 3:16-CV-04377 Case No. 3:16-CV-04373	
13	Plaintiffs,	) )	
14	Fiamuns,	) )	
15	V.	STIPULATION AND [PROPOSED] ORDER TO CONTINUE DISCOVERY	
16	CITY OF PITTSBURG; BRIAN	AND EXPERT DESIGNATION DEADLINES; DECLARATION OF	
17	ADDINGTON, MICHAEL PERRY and DOES 1-25,	SCOTT A. BROWN IN SUPPORT OF	
18	Defendants.	SAME	
19		) )	
20	ELISABETH ANNE TERWILLIGER.,		
21 22	Plaintiffs,	) )	
23	v.	, ) )	
24		) )	
25	CITY OF PITTSBURG; BRIAN ADDINGTON, MICHAEL PERRY and DOES	) )	
26	1-25,		
27			
28	Defendants.	) )	
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	STIPULATION AND [PROPOSED]	ORDER TO CONTINUE DISCOVERY  Dockets.J	usti

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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:

- April 5, 2018 deadline for non-expert discovery;
- April 26, 2018 deadline for expert designation;
- May 31, 2018 deadline for rebuttal expert designation;
- 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:

- 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 design	gnate their supplemental and rebuttal experts on or before August
2	10, 2018;	
3	Discovery of exp	pert witnesses shall be completed by August 31, 2018.
4	IT IS SO STIPULATED.	
5		
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
10		
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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## **DECLARATION OF SCOTT A. BROWN IN SUPPORT OF STIPULATION**

## I, SCOTT A. BROWN, declare:

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

PURSUANT TO STIPULATION AND SUPPORTING DECLARATION, IT IS SO ORDERED.  Dated: 3/8/18  The Honorable Richard Seebag United States District Judge
Dated: 3/8/18  The Honorable Richard Seebog United States District Judge
Dated: 3/8/18  The Honorable Richard Seebag United States District Judge
The Honorable Richard Seel org United States District Judge
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