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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA A. MCCOLM

No. C 06-7378 CW (WDB)

Plaintiff,

ORDER FOLLOWING FEBRUARY
10, 2009 HEARING

v.

SAN FRANCISCO HOUSING
AUTHORITY, et al.

Defendants.

On February 10, 2009, the Court conducted a hearing in connection with Defendants' Motion to Compel Plaintiff to provide additional deposition testimony, for a protective order, and for sanctions; and in connection with Plaintiff's request for extension of discovery deadlines and all such other requests as have been made of the Court.

Having considered all of the written and oral submissions and arguments presented by each party and for reasons elaborated on the record, the Court ORDERS as follows:

1. Defendants' Motion is GRANTED in part and DENIED in part.

On March 20, 2009, starting at 9:00 a.m., a further 3 hour deposition of Plaintiff will take place in Courtroom 4 of this Court. The Undersigned will attend this deposition in its entirety. The Court will have its own Court Reporter present for its own purposes -- the parties are invited to bring their own respective Court Reporters and any such videographers and audio-tape operators as they may choose.

1 2. To meet her obligations under Federal Rules of Civil Procedure 26 and
2 33, **by Friday, February 27, 2009**, Plaintiff MUST SERVE on defense counsel a set
3 of documents in which, SEPARATELY FOR EACH LEGAL THEORY OR CAUSE
4 OF ACTION on which she elects to proceed in this litigation, she (1) identifies by
5 name and, if known, by job title or position, address and phone number, each person
6 who may have some testimony to offer that may support the legal theory or cause of
7 action, (2) produces every document within her possession, custody, or control that
8 may lend some support to the legal theory or cause of action, and (3) describes as
9 specifically as possible each act, each course of conduct, each event or occurrence
10 (including, but not limited to, each oral or written communication), as well as each
11 omission or failure to act or communicate, that plaintiff contends constituted or
12 played some role in causing the violation of the rights that she contends were
13 protected under the legal theory or cause of action.

14 The undersigned RECOMMENDS that District Judge Wilken prohibit Plaintiff
15 from using at trial any document currently in Plaintiff's possession, custody or control
16 that she has not provided to defendant by February 27, 2009. The Court also
17 RECOMMENDS that the District Judge prohibit Plaintiff from offering as a witness
18 any person about whom she reasonably should have been aware whose name Plaintiff
19 did not disclose by February 27, 2009.

20 3. **By Friday, February 27, 2009**, Plaintiff must file AND SERVE any
21 additional motions relating to discovery that she wishes to present to the Court. Any
22 such additional motions related to discovery will be heard on an expedited basis, and
23 Plaintiff must contact the clerk of the Undersigned to obtain expedited dates for the
24 hearing of same.

25 If Plaintiff files a motion to compel further interrogatory responses, such a
26 motion may be supported through the use of xerox copies of Defendants'
27 interrogatory responses and any form of legible notation indicating the specific
28 alleged inadequacy of said response.

1 At the time she files and serves any such motions, Plaintiff must deliver to the
2 Court and to defense counsel copies of any and all evidence or exhibits, including any
3 audio or video recordings, that she may ask the Court to consider when ruling on any
4 of her motions.

5 4. Pursuant to the express provision of authority found in District Judge
6 Wilken's February 3, 2009 Minute Order, the Undersigned extends the deadline for
7 completion of fact discovery to April 30, 2009.

8 5. Pursuant to the express provision of authority found in District Judge
9 Wilken's February 3, 2009 Minute Order, the Undersigned extends the deadline by
10 which the parties must disclose identities and reports of expert witnesses to May 15,
11 2009.

12 6. Pursuant to the express provision of authority found in District Judge
13 Wilken's February 3, 2009 Minute Order, the Undersigned extends the deadline by
14 which the parties must disclose identities and reports of expert rebuttal witnesses to
15 May 30, 2009.

16 7. Pursuant to the express provision of authority found in District Judge
17 Wilken's February 3, 2009 Minute Order, the Undersigned extends the deadline for
18 completion of expert discovery to June 15, 2009.

19 8. The Undersigned will RECOMMEND that District Judge Wilken extend
20 the deadline for case-dispositive motions to July 2, 2009 (if cross-motions are
21 anticipated, Defendants must file their opening brief at least 6 weeks prior to July 2,
22 2009).

23 9. For reasons stated on the record, Defendants' Motion for sanctions is
24 DENIED.

25 10. For reasons stated on the record, Plaintiff's request for sanctions is
26 DENIED.

27 11. Parties are relieved of statutory "meet and confer" requirements for
28 purposes of bringing any additional discovery motions.

1 IT IS SO ORDERED.

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4 Dated: February 12, 2009

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cc: CW

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WAYNE D. BRAZIL
United States Magistrate Judge