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8 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO,  
 9 HEATHER FONG AND JESSE SERNA

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MARCO MAESTRINI,  
 14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN  
 FRANCISCO, a municipal corporation;  
 17 HEATHER FONG, in her capacity as  
 Chief of Police for the CITY AND  
 18 COUNTY OF SAN FRANCISCO; JESSE  
 SERNA, individually, and in his capacity  
 19 as a police officer for the CITY AND  
 COUNTY OF SAN FRANCISCO; and,  
 20 San Francisco police officers DOES 1-25,  
 inclusive,  
 21

22 Defendants.

Case No. C 07-2941 PJH

**STIPULATION AND [~~PROPOSED~~]  
 ORDER TO CONTINUE DEADLINES  
 FOR DISCLOSURE OF EXPERTS,  
 DISCLOSURE OF REBUTTAL  
 EXPERTS, AND EXPERT  
 DISCOVERY**

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1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
2 modification of the Court's August 28, 2008 Modified Order to Continue Trial Date and Related  
3 Pretrial Deadlines as follows:

4 Disclosure of Experts (retained and non-retained): Monday, May 4, 2009 (from Monday,  
5 April 13, 2009)

6 Disclosure of Rebuttal Experts: Friday, May 15, 2009 (from Wednesday, April 22, 2009)

7 Expert Discovery Cutoff: Friday, May 29, 2009 (from Friday, May 22, 2009)

8 All other dates, including the trial date, will remain the same.

9 The parties make this request based on the following circumstances:

10 1. The parties are currently involved in settlement negotiations with the help of the court-  
11 assigned mediator Christopher Johns.

12 2. Defendants' summary judgment motion will be heard on Wednesday, March 25, 2009.

13 3. An order on defendants' summary judgment motion would help facilitate settlement  
14 negotiations.

15 4. Avoiding the costs associated with expert discovery will also facilitate settlement  
16 negotiations.

17 5. The parties plan to get together with mediator Christopher Johns within a week of  
18 receipt of the court's summary judgment order to reengage in settlement negotiations.

19 6. The parties request continuations of the specified pretrial deadlines as set forth above.

20 7. Pursuant to stipulation of the parties, and based, *inter alia*, on the fact that new defense  
21 counsel had just substituted in and needed to get up to speed on the case as well as the fact that  
22 additional discovery still needed to be conducted, on August 28, 2008, the Court extended the pretrial  
23 deadlines and continued the trial date. Other than the aforementioned, there have been no other  
24 modifications to the portions of the Case Management order that this stipulation seeks to modify. No  
25 other dates will be affected by the requested changes.

1 **SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE**  
2 **DEADLINES FOR DISCLOSURE OF EXPERTS, DISCLOSURE OF REBUTTAL**  
3 **EXPERTS, AND EXPERT DISCOVERY**

4  
5 STIPULATED AND AGREED:

6 Dated: March 20, 2009

7 DENNIS J. HERRERA  
8 City Attorney  
9 JOANNE HOEPER  
10 Chief Trial Deputy  
11 ROBERT BONTA  
12 SEAN F. CONNOLLY  
13 Deputy City Attorneys

14 By: \_\_\_\_\_ /s/  
15 ROBERT BONTA  
16 Attorneys for Defendants  
17 CITY AND COUNTY OF SAN FRANCISCO,  
18 HEATHER FONG AND JESSE SERNA

19 Dated: March 20, 2009

20 LAW OFFICE OF JOHN L. BURRIS  
21 JOHN L. BURRIS  
22 BENJAMIN NISENBAUM

23 By: \_\_\_\_\_ /s/  
24 BENJAMIN NISENBAUM  
25 Attorneys for Plaintiff  
26 MARCO MAESTRINI

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**ORDER**

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the pre-trial deadlines be continued as follows:

Disclosure of Experts (retained and non-retained): Monday, May 4, 2009

Disclosure of Rebuttal Experts: Friday, May 15, 2009

Expert Discovery Cutoff: Friday, May 29, 2009

All other dates, including the trial date, will remain the same.

DATED: 3/23/09

