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4 UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
6 OAKLAND DIVISION  
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8 IVANA KIROLA, et al.,

9 Plaintiffs,

10 vs.

11 THE CITY AND COUNTY OF SAN  
12 FRANCISCO, et al.,

13 Defendants.  
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Case No: C 07-03685 SBA

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE  
MOTION TO COMPEL IMMEDIATE  
PRODUCTION OR EXCLUDE  
DEFENDANTS' SUPPLEMENTAL  
EXPERT REPORTS**

Dkt. 543

15 The parties are presently before the Court on Plaintiffs' Motion for Leave to File  
16 Motion to Compel Immediate Production or Exclude Defendants' Supplemental Expert  
17 Reports ("Motion for Leave"), filed on April 4, 2011. Dkt. 543. By their proposed motion,  
18 Plaintiffs seek an order compelling Defendants to produce their supplemental expert reports,  
19 which Defendants have not yet produced, regarding additional joint site inspections that the  
20 parties conducted during the period that discovery was reopened following the January 25,  
21 2011 pretrial conference. Plaintiffs indicate that those additional site inspections were  
22 completed on March 24, 2011. See Johnson Decl. ¶ 15, Dkt. 545. Accordingly,

23 IT IS HEREBY ORDERED THAT Plaintiffs' Motion for Leave is GRANTED. The  
24 Court accepts for filing Plaintiffs' Motion to Compel (Dkt. 544). Plaintiffs raise legitimate  
25 concerns regarding Defendants' failure to produce their supplemental expert reports to date.  
26 As such, the Court is inclined to require Defendants to produce their supplemental expert  
27 reports by no later than 12:00 p.m. on April 7, 2011, which is two weeks after completion of  
28 the site inspections. Therefore, by 5:00 p.m. on April 5, 2011, Defendants shall file either: (1)

1 a responsive brief, not to exceed five (5) pages, addressing Plaintiffs' concerns and the Court's  
2 inclination, should the City intend to rely on the supplemental expert reports at trial; or (2) a  
3 statement indicating that the City does not intend to rely on the supplemental expert reports at  
4 trial. Defendants' failure to file a timely response will be construed as a representation that  
5 Defendants do not intend to rely on the supplemental expert reports at trial. This Order  
6 terminates Docket 543.

7 IT IS SO ORDERED.

8 Dated: April 5, 2011

  
9 SAUNDRA BROWN ARMS TRONG  
10 United States District Judge  
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