

1 Guy B. Wallace, State Bar No. 176151
 2 Mark T. Johnson, State Bar No. 76904
 3 SCHNEIDER WALLACE COTTRELL
 4 BRAYTON KONECKY LLP
 5 180 Montgomery Street, Suite 2000
 6 San Francisco, CA 94104
 7 Telephone: (415) 421-7100
 8 Facsimile: (415) 421-7105

9 Attorneys for Plaintiffs

10
 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 IVANA KIROLA, MICHAEL KWOK, and
 14 ELIZABETH ELFTMAN, on behalf of
 15 themselves and all others similarly situated;

16 Plaintiffs,

17 vs.

18 THE CITY AND COUNTY OF SAN
 19 FRANCISCO (“the CITY”); GAVIN
 20 NEWSOM, in his official capacity as Mayor;
 21 AARON PESKIN, in his official capacity as
 22 President of the Board of Supervisors; JAKE
 23 MCGOLDRICK, MICHELA ALIOTO-PIER,
 24 ED JEW, CHRIS DALY, SEAN ELSBERND,
 25 BEVAN DUFTY, TOM AMMIANO, SOPHIE
 26 MAXWELL, ROSS MIRKARIMI, AND
 27 GERARDO SANDOVAL, in their official
 28 capacities as members of the Board of
 Supervisors;

Defendants.

Case No 4:07-cv-03685 SBA

**STIPULATION AND ORDER
 DENYING RE CONTINUING TRIAL
 DATE AND MODIFYING PRETRIAL
 SCHEDULE**

STIPULATION

Whereas, the parties have participated in productive settlement discussions with Magistrate Judge James, including two settlement conferences on July 28, 2009 and November 4, 2009;

Whereas, the parties seek to continue such discussions in December and January 2010, and are scheduled to attend a further settlement conference with Magistrate Judge James in February 2010;

Whereas, the current schedule requires that the parties focus their efforts on discovery and expert discovery, and therefore detracts from such settlement efforts;

IT IS HEREBY STIPULATED by and between the parties, through their counsel of record, that the current pretrial and trial schedule be continued by a period of approximately 90 days. On Friday, November 13, Magistrate Judge Spero re-set a 19 day class action trial in which Plaintiffs' counsel Guy Wallace serves as lead counsel for Plaintiffs to a new trial date of August 30, 2010. Accordingly, the parties propose to continue the trial date herein to October 4, 2010 at 8:30 a.m.

The schedule has been continued twice previously herein. The parties do not intend to seek any further adjustment of the schedule. The parties propose the following modification to the pretrial and trial schedule in this matter:

	<u>Current Date</u>	<u>Proposed Date</u>
Non-expert discovery cut off	February 26, 2010	May 28, 2010
Expert disclosure	December 11, 2009	March 5, 2010
Rebuttal expert disclosure		May 7, 2010
Expert Discovery cut off	March 12, 2010	June 18, 2010
Last Day for motions to be heard, including dispositive motions	April 6, 2010 @ 1:00 p.m.	July 6, 2010 at 1:00 p.m.
Pretrial Conference	May 11, 2010 @ 1:00 p.m.	August 24, 2010 @ 1:00 p.m.
Joint Pretrial Statement	April 20, 2010	August 3, 2010
Trial Brief	April 20, 2010	August 3, 2010
Findings & Conclusions	April 20, 2010	August 3, 2010

1 ORDER

2 Having considered the Stipulation of the parties for an Order continuing the trial date and
3 modifying the pretrial schedule in this case, and the Court finding that good cause exists;

4 1. The current trial date in this case of May 24, 2010, is vacated.

5 2. Trial before the **COURT** will begin on October 4, 2010 at 8:30 a.m., or as soon thereafter as
6 the Court may designate, for an estimated 15 days.

7 3. All discovery, except for expert discovery, shall be completed and all depositions taken on or
8 before May 28, 2010.

9 4. Plaintiffs and Defendants shall disclose any experts by March 5, 2010. The parties shall
10 disclose any rebuttal experts by May 7, 2010. Expert discovery shall be completed by June 18, 2010.

11 5. All motions, including dispositive motions, shall be *heard* on or before July 6, 2010.

12 6. All parties are ordered to participate in a mandatory settlement conference during the period
13 of July 7 through 16, 2010 BEFORE A MAGISTRATE JUDGE.

14 7. All counsel who will try the case shall appear for a pretrial conference in Courtroom 3 on
15 September 14, 2010 at 1:00 p.m.

16 8. On or before August 3, 2009, (1) the parties shall file a Joint Pretrial Statement; (2) each
17 party shall serve and file a trial brief and witness list; (3) each party shall serve and lodge with the
18 Court proposed findings of fact and conclusions of law and a statement identifying discovery
19 excerpts that the party expects to use as part of its case in chief; and (4) each party shall provide the
20 other an exhibit list and one set of trial exhibits.

21 9. Motions in Limine and Objections to Evidence are due on or before August 17, 2010.
22 Responses to Motions in Limine and Objections to Evidence due on or before August 24, 2010.

23 10. Except for the amended dates and deadlines set forth above, all terms of the Court's Order
24 for Pretrial Preparation dated December 18, 2007 remain in effect.

25 IT IS SO ORDERED.

26 Dated: November 30, 2009

27 HON. S _____ RONG
28 United S _____

