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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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12 **LAZARUS D. ORTEGA,**

13 Plaintiff,

14 v.

15  
16 **DEPUTY MICHAEL GIAMMALVO,**  
17 **et al.,**

18 Defendants.

C 07-04436 SBA

**STIPULATION AND [PROPOSED]  
ORDER MODIFYING ORDER FOR  
PRETRIAL PREPARATION**

Case Filed: August 28, 2007  
 Trial Date: June 7, 2010  
 Judge: Hon. Sandra Brown Armstrong

19 Through their counsel of record, Plaintiff Lazarus Ortega (“Plaintiff”) and Defendant  
 20 Deputy Michael Giammalvo (“Defendant”) hereby stipulate as follows:

21 **RECITALS**

22 1. On May 28, 2009, this Court appointed Ivor E. Samson, Gary Martin Cohen and  
 23 Manuel Alvarez, Jr., of the law firm Sonnenschein Nath and Rosenthal LLP as Plaintiff’s *pro*  
 24 *bono* counsel.

25 2. Following the Initial Case Management Conference, this Court entered its Order  
 26 for Pretrial Preparation on August 4, 2009. Pursuant to that order, trial in this matter is  
 27 scheduled to begin on June 7, 2010 and the discovery cut-off date is February 23, 2010.  
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1 3. Mr. Cohen left Sonnenschein in January 2010. Mr. Alvarez will be leaving  
2 Sonnenschein in February 2010. Because Messrs. Cohen and Alvarez were primarily  
3 responsible for handling this matter on behalf of Plaintiff, Plaintiff's counsel anticipates that  
4 additional time for discovery and pretrial preparation will be needed so that the matter may be  
5 transferred to an additional Sonnenschein attorney without prejudicing Plaintiff.

6 4. Additionally, while the parties have diligently exchanged written discovery  
7 requests and responses, and have taken depositions, additional time for discovery will be needed  
8 beyond the February 23, 2010 discovery cut-off.

9 5. Finally, additional time for dispositive motions, if any, will be needed.

10 **STIPULATION**

11 Based on the above circumstances, counsel for Plaintiff and Defendant stipulate and  
12 respectfully request that this Court modify its Order for Pretrial Preparation as follows:

<b>EVENT</b>	<b>CURRENT DEADLINE</b>	<b>PROPOSED MODIFICATION</b>
Expert Designations:	February 23, 2010	<del>July 19, 2010</del>
Expert Rebuttal Designations:	March 9, 2010	<del>August 2, 2010</del>
Non-expert discovery cut-off:	February 23, 2010 (discovery motions to be heard by)	<del>August 16, 2010</del> (discovery motions to be heard by)
Expert discovery cut-off:	March 23, 2010	<del>August 16, 2010</del>
Motion cut-off (including dispositive motions):	April 13, 2010 (to be heard by)	<b>June 15, 2010 at 1:00 p.m.</b>
Mandatory Settlement Conference:	April 14 -- May 7, 2010	<b>June 16, 2010 - July 1, 2010</b>
Pretrial Preparation:	May 11, 2010	<del>October 4, 2010</del> <b>July 6, 2010</b>
Pretrial conference:	June 1, 2010	<del>October 11, 2010</del> <b>July 27, 2010 at 1:00 p.m.</b>
Trial:	June 7, 2010	<del>October 18, 2010</del> <b>September 8, 2010 at 8:30 a.m.</b>

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Should the Court’s calendar not be amenable to the above proposed dates, the parties stipulate to the next available date on the Court’s calendar.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

SONNENSCHN NATH & ROSENTHAL LLP

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Manuel Alvarez, Jr.  
Attorneys for Plaintiff Lazarus Ortega

ANDRADA & ASSOCIATES PC

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Lynne G. Stocker  
Attorneys for Defendant Deputy Michael Giammalvo

**ORDER**

The above stipulation is approved as modified above. The parties shall meet and confer and propose for the Court’s review and approval revised dates for expert designations, expert rebuttal designations, non-expert discovery cut-off, and expert discovery cut-off.

Dated: 4/7/10

By: *Saundra B. Armstrong*

The Honorable Saundra Brown Armstrong  
United States District Court Judge  
Northern District of California