

1 KAMALA D. HARRIS
 Attorney General of California
 2 JAY C. RUSSELL (CA SBN 122626)
 Supervising Deputy Attorney General
 3 JOSE A. ZELIDON-ZEPEDA (CA SBN 227108)
 Deputy Attorney General
 4 Jose.ZelidonZepeda@doj.ca.gov
 NEAH HUYNH (CA SBN 235377)
 5 Deputy Attorney General
 Neah.Huynh@doj.ca.gov
 6 455 Golden Gate Avenue, Suite 11000
 San Francisco, California 94102-5781
 7 Telephone: 415.703.5781
 Facsimile: 415.703.5843

8
 Attorneys for Defendants
 9 J. RODRIGUEZ, E. CAMARENA, J. PARRA,
 D. VEGA, and SERGEANT KIRCHER

10 MATTHEW I. KREEGER (CA SBN 153793)
 MKreeger@mofocom
 11 DANIEL P. MUINO (CA SBN 209624)
 DMuino@mofocom
 12 J. MANENA BISHOP (CA SBN 222172)
 MBishop@mofocom
 13 JANELLE J. SAHOURIA (CA SBN 253699)
 JSahouria@mofocom
 14 JOE K. KANADA (CA SBN 251401)
 JKanada@mofocom
 15 MORRISON & FOERSTER LLP
 16 425 Market Street
 San Francisco, California 94105-2482
 17 Telephone: 415.268.7000
 Facsimile: 415.268.7522

18 Attorneys for Plaintiff
 19 THOMAS RAY WOODSON

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 OAKLAND DIVISION

23 THOMAS RAY WOODSON,
 24 Plaintiff,
 25 v.
 26 J. RODRIGUEZ, *et al.*,
 27 Defendants.

Case No. 4:07-CV-04925-CW

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING DISCOVERY
 CUT-OFF FOR DEPOSITIONS AND
 EXPERT WITNESSES**

28 STIPULATION AND [PROPOSED] ORDER EXTENDING DISCOVERY CUT-OFF
 CASE NO. 4:07-CV-04925-CW
 sf-2940635

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Pursuant to Northern District Local Rules 7-12 and 16-2, counsel for Plaintiff Thomas R. Woodson and counsel for Defendants J. Rodriguez, E. Camarena, J. Parra, D. Vega, and Sergeant Kircher hereby submit this Stipulation and Proposed Order to extend the fact discovery cut-off for the purpose of taking the depositions of Defendant Sergeant Kircher, Inmate Victor Roldan, and the FRCP 30(b)(6) deposition of Salinas Valley State Prison, and to extend the deadlines for the expert reports, expert rebuttal reports, and the expert discovery cut-off.

The Parties previously agreed to extend the case management dates, as set forth in the stipulated order adopted by this Court on December 21, 2010 (Dkt. 100).

On December 20, 2010, Plaintiff filed a motion to compel outstanding discovery and to further extend the discovery deadlines to accommodate depositions that Plaintiff contends were dependent on the outstanding discovery (Dkt. 95-97).

The Court referred the December 20 motion to Magistrate Judge Beeler, who denied Plaintiff's motion without prejudice and directed the parties to follow her standing order regarding discovery disputes (Dkt. 103).

After meeting and conferring on January 6, 2011 regarding the discovery issues raised in the motion, Plaintiff has determined that another limited extension of the discovery cut-off is necessary awaiting production of relevant documents and in light of scheduling conflicts. Defendants disagree that there are any outstanding documents that warrant further delay of discovery, but do not oppose a limited extension.

Counsel for Plaintiff is attempting to schedule the deposition of Inmate Victor Roldan with the institution where he is housed.

The Parties are also coordinating with the law firm of McNamara, Ney, Beatty, Slattery, Borges & Brothers LLP, counsel for the California Department of Corrections and Rehabilitation ("CDCR"), to schedule the 30(b)(6) deposition of Salinas Valley State Prison.

Furthermore, Plaintiff avers that the expert witnesses Plaintiff retains will not be able to complete the expert report by the current deadline without production of outstanding discovery by counsel for Defendants. Defendants do not agree that there are any outstanding document

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2 requests that should affect the expert discovery deadline, but have no objection to a limited
3 extension of expert discovery.

4 IT IS HEREBY STIPULATED AND AGREED by the Parties, by and through their
5 respective counsel, that:

6 1. The fact discovery cut-off shall be extended from January 14, 2011, to January 26,
7 2011, for the sole purpose of taking the depositions of Sergeant Kircher, Inmate Victor Roldan,
8 and the 30(b)(6) deposition of Salinas Valley State Prison.

9 2. The case management dates related to expert witnesses are to be reset as follows:

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Event	Current Deadline	Stipulated Deadline
Expert disclosures (names)	1/14/11	Same
Expert reports	1/14/11	1/28/11
Expert rebuttal reports	2/1/11	2/15/11
Expert discovery cut-off	2/18/11	3/4/11

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16 3. None of the other case management dates are altered by this stipulation.

17 4. If Inmate Roldan's deposition is not completed within the applicable deadline, the
18 parties stipulate that his testimony will not be offered at trial, either live or by declaration. This
19 stipulation does not impact the ability of the parties to seek admission of testimony (live or by
20 declaration) from Inmate Flores or any other witnesses.

21 5. If Plaintiff designates an expert witness to testify regarding Plaintiff's alleged
22 psychological distress or psychological problems (apart from physical pain and suffering)
23 purportedly caused by the incident at issue in this case, Defendants shall have an opportunity to
24 conduct a Rule 35 mental examination of Plaintiff.

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Dated: January 13, 2011

Respectfully Submitted,

MATTHEW I. KREEGER
DANIEL P. MUINO
J. MANENA BISHOP
JANELLE J. SAHOURIA
JOE K. KANADA
MORRISON & FOERSTER LLP

By: /s/Daniel P. Muino
DANIEL P. MUINO

Attorneys for Plaintiff
THOMAS RAY WOODSON

Dated: January 13, 2011

JOSE A. ZELIDON-ZEPEDA
NEAH HUYNH
CALIFORNIA ATTORNEY GENERAL'S
OFFICE

By: /s/Jose A. Zelidon-Zepeda
JOSE A. ZELIDON-ZEPEDA

Attorneys for Defendants
J. RODRIGUEZ, E. CAMARENA, J.
PARRA, D. VEGA, AND SERGEANT
KIRCHER

I, Daniel P. Muino, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Extending Discovery Cut-off for Depositions and Expert Witnesses. In compliance with General Order 45, X.B., I hereby attest that Jose A. Zelidon-Zepeda has concurred in this filing.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: 1/14/2011



HONORABLE CLAUDIA WILKEN
United States District Court Judge