1 2 3 4 5 6 7	PILLSBURY WINTHROP SHAW PITTMA THOMAS V. LORAN III (SBN 95255) MARCH H. AXELBAUM (SBN 209855) 50 Fremont Street Post Office Box 7880 San Francisco, CA 94120-7880 Telephone: (415) 983-1000 Facsimile: (415) 983-1200 Email: thomas.loran@pillsburylaw.com marc.axelbaum@pillsburylaw.com	AN LLP
8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
10	OAKLAND DIVISION	
11		
12	NICHOLAS BART ELLIS,	Case No. C 07-5126 SBA (DMR)
13	Plaintiff,	STIPULATION AND PROPOSED ORDER REGARDING DISCOVERY
14	V.	
15	A. NAVARRO, et al.	
16	Defendants.	
17	RECITALS	
18		
19	WHEREAS the parties met and conferred regarding outstanding discovery disputes at	
20	issue in Docket 59 during a conference on November 29, 2011 before Hon. Laurel Beeler,	
21	and with the participation of Judge Beeler.	
22	WHEREAS Pelican Bay State Prison's Litigation Coordinator, William Barnts, and	
23		
24	Jason S.Y. Gatchalian, Staff Counsel for the California Department of Corrections and	
25	Rehabilitation, participated in the conference.	
26	WHEREAS the parties have resolved their disputes concerning deposition scheduling	
27	and protocol.	
28		
	Stip. and Prop Order Regarding Discovery	Page 1
	Case No. C 07-5126 SBA (DMR)	

1	STIPULATION		
2	NOW, Therefore, the parties, through undersigned counsel, hereby STIPULATE and		
3	agree as follows:		
4 5	1) Fact depositions of witnesses located in and around Crescent City, California will		
5 6	take place on January 6, 7, 8, 9 and 10, 2012 in a secure facility at Pelican Bay State Prison.		
7	2) Plaintiff will be present at at least the following depositions to be held on January		
8	6, 9 and 10: Defendants Juarez, Gardner and Navarro; Officers Williams, Bustamante,		
9	Lesina, Wilber and Leach.		
10 11	3) Plaintiff's and Officer J. Puente's depositions will take place on either January 7 or		
12	8, to be determined by the parties.		
13	4) Plaintiff's counsel will have access to prepare Plaintiff on January 5, 2012. Pelican		
14	Bay State Prison will make best efforts to ensure that this session takes place using rooms		
15	equipped with a two-way intercom that works automatically for counsel (i.e., does not require		
16	manual depression of an intercom button by counsel).		
17 18	5) This Stipulation does not affect any of the filing or hearing dates set in the		
19	Stipulation and Proposed Order Modifying Order for Pretrial Preparation (Dkt. 53).		
20	6) The parties will designate expert witnesses by December 30, 2012 and rebuttal		
21	experts, if any, by January 13.		
22	7) The expert discovery cut-off will be January 25, 2012.		
23 24	8) The parties ask the court to enter an order memorializing these dates to facilitate the orderly completion of discovery going forward.		
25			
26	9) The hearing regarding discovery disputes scheduled for November 30, 2011 before		
27	the Honorable Donna M. Ryu is no longer necessary and may be vacated.		
28	Page 2		
	Stip. and Prop Order Regarding Discovery Case No. C 07-5126 SBA (DMR)		

1	Dated: November 29, 2011	PILLSBURY WINTHROP SHAW PITTMAN LLP THOMAS V. LORAN III
2		MARC H. AXELBAUM
3		/s Marc H. Axelbaum
4		Marc H. Axelbaum Attorneys for Plaintiff NICHOLAS BART ELLIS
5		ANDRADA & ASSOCIATES
6		J. RANDALL ANDRADA MATTHEW ROMAN
7		180 Grand Avenue, Suite 225
8		Oakland, CA 94612
9		<u>/s <i>Matthew Roman</i></u> Matthew Roman
10		Attorneys for Defendants
11		SERGEANT A. NAVARRO CORRECTIONAL OFFICER F. JUAREZ
12		CORRECTIONAL OFFICER B. GARDNER
13		
14	DECLARATION PURSUANT TO GENERAL ORDER 45, sec. X.B	
15	I, Marc H. Axelbaum, hereby declare pursuant to General Order 45, sec. X.B., that I	
16	have obtained the concurrence in the filing of this document from the signatory listed below.	
17	I declare under penalty of perjury that the foregoing is true and correct.	
18	Executed on November 29, 2011, a	at Oakland, California.
19		
20		<u>/s <i>Marc H. Axelbaum</i></u> Marc H. Axelbaum
21		Attorneys for Plaintiff NICHOLAS BART ELLIS
22	ORDER	
23	Pursuant to the parties' stipulation, the court adopts the above discovery procedures	
24	and dates, which do not modify any of the filing or hearing dates before the district court.	
25	The court vacates the discovery hearing se	et for November 30, 2011, at 11 a.m.
26	IT IS SO ORDERED.	mm
27	DATED: Nov. 30, 2011	DONNA M. RYU
28		United States Magistrate Judge
		Page 3
	Stip. and Prop Order Regarding Discovery Case No. C 07-5126 SBA (DMR)	