

1 Thomas G.F. Del Beccaro (California Bar #132351)
 2 ***Del Beccaro, Hornsby & Blake***
 3 800 So. Broadway, Suite 301
 4 Walnut Creek, California 94596
 Telephone: (925) 280-4487
 Facsimile: (925) 284-2015

5 Robert R. Pohls (California Bar #131021)
 6 ***Pohls & Associates***
 7 12657 Alcosta Boulevard, Suite 150
 San Ramon, California 94583
 Telephone: (925) 973-0300
 Facsimile: (925) 973-0330

8 Attorneys for Plaintiff **Ernest C. Wheeler**

9
 10 JOSEPH P. RUSSONIELLO (CABN 44332)
 United States Attorney
 11 JOANN M. SWANSON (CABN 88143)
 Chief, Civil Division
 12 NEILL T. TSENG (CABN 220348)
 Assistant United States Attorney
 13 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-7155
 14 FAX: (415) 436-6748
 15 neill.tseng@usdoj.gov
 16 Attorneys for Defendant

17
 18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20

21 ERNEST C. WHEELER,
 22 Plaintiff,
 23 vs.

24 MICHAEL CHERTOFF, SECRETARY,
 25 DEPARTMENT OF HOMELAND SECURITY,
 26 FEDERAL EMERGENCY MANAGEMENT
 AGENCY,
 27 Defendant.

Case No. C08-01738 SBA

**Stipulation & Proposed Order
 Re Trial Continuance**

TRIAL DATE: June 15, 2009

1 Plaintiff Ernest C. Wheeler ("Mr. Wheeler") and defendant Michael Chertoff, Secretary,
2 Department of Homeland Security, Federal Emergency Management Agency ("FEMA") hereby
3 jointly submit the following Stipulation for a trial continuance:
4

5 **IT IS HEREBY STIPULATED** and agreed by and between the parties hereto, the Defendants by
6 and through their attorney, Mr. Neill Tseng, and the Plaintiff, by and through their attorney,
7 Thomas Del Beccaro, that:
8

- 9
- 10 1. Due to the complexity of the case including the discovery and disclosure of additional fact
11 witnesses by both parties, as well as the filing of motions to compel discovery by the Plaintiff, the
12 parties need additional time to complete both written and deposition discovery;
 - 13 2. The Parties also believe it necessary to continue the dates for expert disclosure and other
14 scheduling matters including the trial date;

15 **3. Pre Trial Scheduling.**

16 The parties propose the following revised pre-trial deadlines:

- 17 • Fact discovery 4/20/09
- 18 • Disclose experts 4/10/09; rebuttal 4/24/09
- 19 • Expert discovery cutoff: 5/5/09
- 20 • Dispositive motion filing deadline: 5/19/09
- 21 • Last dispositive motion hearing date: 6/23/09
- 22 • Pretrial conference: 10/20/09

23

24 **4. Trial Date.**

25 The parties propose that the trial date be continued to 10/26/09 in keeping with the above
26 schedule.

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Other Matters.

The parties are not currently aware of any other matters that may facilitate the just, speedy and inexpensive disposition of this matter.

Respectfully submitted,
DEL BECCARO, HORNSBY & BLAKE
POHLS & ASSOCIATES

By: /S/

Thomas G. Del Beccaro
Attorneys for Plaintiff **Ernest C. Wheeler**

UNITED STATES ATTORNEY'S OFFICE

By: /S/

Neill T. Tseng
Attorneys for Defendants

**PURSUANT TO STIPULATION,
IT IS SO ORDERED:**

DATED: 3/25/09



HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE