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8 Attorneys for Defendant
 CITY AND COUNTY OF SAN FRANCISCO [erroneously sued herein as
 9 "SAN FRANCISCO COUNTY GENERAL HOSPITAL"]
 10

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 KERRY ARTHUR HERBERT, JR.,
 Plaintiff,
 15

16 vs.

17 CITY AND COUNTY OF SAN
 FRANCISCO; SAN FRANCISCO
 18 COUNTY GENERAL HOSPITAL;
 REGENTS OF UNIVERSITY OF
 CALIFORNIA,
 19 Defendants.
 20

Case No. C-08-5748 CW

**STIPULATION AND ~~[PROPOSED]~~
 ORDER TO EXTEND THE TIME FOR
 DISCOVERY AND DEFENDANT'S
 SUMMARY JUDGMENT MOTION**

21 Pursuant to Federal Rule of Civil Procedure 16(b) the parties have met and conferred and
 22 agree that the discovery and summary judgment deadlines in this matter shall conform to the terms of
 23 this ORDER.

24 GOOD CAUSE APPEARING, the parties stipulate, through their attorneys of record and in
 25 propria persona, to the entry of an order as follows:

26 1. Defendants believe that a summary judgment motion will resolve this case in its
 27 entirety. Defendants have been unable to obtain discovery they sought in order to bring a summary
 28 judgment motion.

1 2. Due to Plaintiff's recent incarceration and inability to respond to Defendant's
2 discovery, and due to Defendant's need for additional time to complete discovery prior to filing a
3 summary judgment motion, the cut-off for fact discovery shall be re-opened and extended to
4 December 31, 2009.

5 3. The deadline for disclosure of expert witnesses shall be extended to March 28, 2010.

6 4. The deadline for the close of expert witness discovery, including depositions of
7 experts, shall be extended to May 8, 2010.

8 5. Due to this extension in the discovery schedule, Defendant's deadline to file a motion
9 for summary judgment shall be extended to January 29, 2010.

10 6. Plaintiff's deadline to file an opposition to Defendant's summary judgment motion will
11 be no later than sixty days after the date on which Defendant's motion is filed.

12 7. Defendant's deadline to file a reply brief in support of its summary judgment motion
13 will be no later than thirty days after the date on which Plaintiff's opposition is filed.

14 8. The parties further stipulate that if this order is not granted, the City has seven days
15 after denial to file its motion to compel discovery responses and to extend discovery and summary
16 judgment deadlines.

17 IT IS SO STIPULATED.

18 Dated: September 4, 2009

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
WARREN METLITZKY
Deputy City Attorney

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22 By: /s/ Warren Metlitzky
WARREN METLITZKY
Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

23
24 Dated: September 4, 2009

25
26 By: : /s/ Kerry Herbert
KERRY ARTHUR HERBERT, JR.
In Propria Persona

27 [The filer of this document attests that concurrence in the filing of
28 this document has been obtained from plaintiff,
and shall serve in lieu of his signature.]

[PROPOSED] ORDER

1 For Good Cause, the Court modifies the discovery and summary judgment deadlines as listed
2 above.

3 IT IS SO ORDERED.

4
5 Dated: September 14, 2009

