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13 Attorneys for Defendant
 14 UNITED PARCEL SERVICE, INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

19 KIM MUNIZ,
 20 Plaintiff,
 21 vs.
 22 UNITED PARCEL SERVICE, INC., a
 corporation and DOE 1 through DOE 20,
 23 inclusive,
 24 Defendant.

CASE NO. CV-09-1987 CW

**JOINT STIPULATION TO CONTINUE
 CASE MANAGEMENT DEADLINES;
 DECLARATION OF AMY C. HIRSH;
 ORDER (AS MODIFIED)**

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 CASE NO. CV-09-1987 CW

STIPULATION TO EXTEND EXPERT
 DISCOVERY DEADLINES AND PRETRIAL
 CONFERENCE

1 WHEREAS, on April 15, 2010, the parties stipulated to an order that Plaintiff Kim
2 Muniz submit to a mental examination to evaluate the source, nature, and extent of emotional
3 injuries alleged to have been sustained by Plaintiff;

4 WHEREAS the parties wish to mutually agree upon a date for Plaintiff's mental
5 examination;

6 WHEREAS Plaintiff filed a motion for leave to file a first amended complaint on
7 April 5, 2010, which the Court took under submission on the papers on April 29, 2010;

8 WHEREAS Defendant United Parcel Service, Inc. ("UPS") filed its summary
9 judgment motion on April 22, 2010;

10 WHEREAS the Court heard oral argument on UPS's summary judgment motion
11 on June 3, 2010, and took the motion under submission;

12 WHEREAS UPS has suggested dates in late May and June 3 or 4, 2010, to
13 Plaintiff's counsel for Plaintiff's mental examination, who has expressed his preference that (due
14 to Plaintiff's privacy concerns) Plaintiff not be required to submit to her medical examination
15 until the Court has ruled on UPS's summary judgment motion and Plaintiff's motion for leave to
16 file a first amended complaint;

17 WHEREAS UPS's counsel does not object to accommodating Plaintiff's request
18 but does not want to prejudice UPS in the process;

19 WHEREAS, the parties have agreed to enlarge the date for the expert witness
20 disclosures, there are a number of trial-related deadlines that require Court approval for their
21 modification;

22 WHEREAS the parties agree that in addition to extending the expert discovery
23 deadline, modifying the pretrial conference date (as well as corresponding pretrial conference
24 filing deadlines) will best serve the interests of justice by preserving the parties' interests in
25 preparing for trial while accommodating Plaintiff's request;

26 IT IS HEREBY STIPULATED by and between the parties hereto, through their
27 respective counsel, that:

1 **DECLARATION OF AMY C. HIRSH**

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3 I, Amy C. Hirsh, declare:

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5 1. I am an attorney at law licensed to practice before the Courts of the State of
6 California and before this Court. I am an associate with the law firm of Paul, Hastings, Janofsky
7 & Walker LLP (“Paul Hastings”), attorneys for Defendant United Parcel Service, Inc. (“UPS”).
8 If called as a witness, I would and could competently testify thereto to all facts within my
9 personal knowledge except where stated upon information and belief.

10 2. On April 15, 2010, the Court ordered, pursuant to the parties’ stipulation,
11 that Plaintiff Kim Muniz to submit to a mental examination to evaluate the source, nature, and
12 extent of any emotional injuries alleged to have been sustained by Plaintiff.

13 3. On April 5, 2010, Plaintiff filed a motion for leave to file a first amended
14 complaint, which the Court took under submission on the papers on April 29, 2010.

15 4. UPS filed a motion for summary judgment on April 22, 2010.

16 5. On June 3, 2010, the Court heard oral argument on UPS’s motion for
17 summary judgment, and took the motion under submission.

18 6. Because the Court has not yet ruled on UPS’s motion for summary
19 judgment, UPS must move forward with trial preparations in light of upcoming expert discovery
20 deadlines.

21 7. I have attempted to schedule Plaintiff’s medical examination on a mutually
22 agreeable date and time in order to meet upcoming expert discovery deadlines and to allow for
23 timely preparation of the pretrial conference statement. I have asked for Plaintiff’s availability in
24 late May 2010, and have suggested June 3 or 4, 2010 as possible dates for Plaintiff’s mental
25 examination.

26 8. Counsel for Plaintiff states that Plaintiff will not submit to a medical
27 examination until the Court rules on UPS’s summary judgment motion and Plaintiff’s motion for
28 leave to file a first amended complaint.

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9. Good cause exists to extend the expert discovery and pretrial conference dates in this case because the parties agree that it would be helpful and efficient and would promote the interests of judicial economy to delay expert discovery while the Court considers UPS's motion for summary judgment.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this 22nd day of June, 2010, at San Francisco, California.

Amy C. Hirsh

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ORDER (AS MODIFIED)

Pursuant to stipulation, it is ordered that:

1. The case management dates in this matter be continued as follows:

	<u>Current Date</u>	<u>Proposed Date</u>
Disclosure of Identities and Reports of Expert Witnesses	July 1, 2010	August 5, 2010
Completion of Expert Discovery	July 30, 2010	August 19, 2010

2. Plaintiff will contact UPS by close of business on Friday, June 25, 2010, to confirm whether she is able to attend her medical examination on July 8, 2010, or July 12, 2010. If Plaintiff cannot attend the medical examination on July 8 or July 12, Plaintiff shall, in good faith and in conjunction and cooperation with defense counsel, designate a new date on or before June 30, 2010, on which she will attend the medical examination.

IT IS SO ORDERED.

DATED: 6/23/2010

By: 
HON. CLAUDIA WILKEN
United States District Judge