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

18 JEFFREY HERSON, an individual; EAST  
 19 BAY OUTDOOR, INC., a California  
 corporation,

20 Plaintiffs,

21 v.

22 CITY OF RICHMOND, a charter city,

23 Defendant.

Case No. 4:09-cv-02516-PJH

**STIPULATION TO EXTEND TIME FOR  
 DEPOSITION BEYOND DISCOVERY  
 CUTOFF; [~~PROPOSED~~] ORDER**

Judge: Honorable Phyllis J. Hamilton  
 Dept.: Courtroom 3

Trial Date: None set

1 WHEREAS, Plaintiffs have noticed a deposition of Defendant's person or persons most  
2 knowledgeable pursuant to Fed. R. Civ. P. 30(b)(6) for August 17, 2010 ("PMK Deposition");

3 WHEREAS, given the numerous subjects included in the notice, the preparation required  
4 for the PMK Deposition will be extensive, Defendant wishes to extend the date of the deposition  
5 to September 7, 2010;

6 WHEREAS, this Court's Case Management and Pretrial Order establishes August 25,  
7 2010 as the cutoff for non-expert discovery;

8 WHEREAS, the parties cannot agree about whether that cutoff should be extended, and  
9 Defendant plans to apply separately to this Court to extend the cutoff, but the parties have  
10 agreed to request that this Court allow the PMK Deposition to occur after the existing cutoff;  
11 and

12 WHEREAS, although this stipulation involves a discovery matter, because it also  
13 involves an exception to a deadline set in this Court's Case Management and Pretrial Order, it  
14 has not been designated in the caption as a discovery matter.

15 NOW, THEREFORE, the parties hereby agree and request that the Court order as  
16 follows:

17 1. Notwithstanding the non-expert discovery cutoff presently set for August 25,  
18 2010, the deposition noticed by Plaintiffs pursuant to Fed. R. Civ. P. 30(b)(6) for August 17,  
19 2010 shall be held instead on September 7, 2010 at the same time and place indicated in the  
20 notice of deposition.

21 2. Defendant waives notice of the new date of the PMK Deposition.

22 DATED: August 11, 2010

SHUTE, MIHALY & WEINBERGER LLP

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25 By: /s/ Matthew D. Zinn  
MATTHEW D. ZINN

26 Attorneys for Defendant  
27 CITY OF RICHMOND  
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DATED: August 11, 2010

BOSTWICK & JASSY LLP

/s/ Gary L. Bostwick (concurrence in filing  
By: obtained on August 11, 2010)  
GARY L. BOSTWICK

Attorneys for Plaintiffs  
JEFFREY HERSON and EAST BAY OUTDOOR,  
INC.

1 **[PROPOSED] ORDER**

2 Pursuant to stipulation, and good cause appearing, IT IS HEREBY ORDERED THAT:

3 1. Notwithstanding the non-expert discovery cutoff presently set for August 25,  
4 2010, the deposition noticed by Plaintiffs pursuant to Fed. R. Civ. P. 30(b)(6) for August 17,  
5 2010 shall be held instead on September 7, 2010 at the same time and place indicated in the  
6 notice of deposition.

7 2. Plaintiffs need not serve a revised notice of deposition reflecting the new date.

8 IT IS SO ORDERED.

9 DATED: August 17, 2010  
10

11  
12 HON. PHYLLIS J. HAMILTON  
13 United States District Court

