

1 ERIC C. BELLAFRONTO, Bar No. 162102
 ecbellafronto@littler.com
 2 SUZANNE R. NESTOR, Bar No. 217984
 snestor@littler.com
 3 ERICA H. KELLEY, Bar No. 221702
 ekelley@littler.com
 4 LITTLER MENDELSON
 A Professional Corporation
 5 50 W. San Fernando, 15th Floor
 San Jose, CA 95113.2303
 6 Telephone: 408.998.4150
 Facsimile: 408.288.5686

7 Attorneys for Defendants
 8 NEW UNITED MOTOR MANUFACTURING,
 INC.

9 RONALD DUMAS
 10 Plaintiff, *In Pro Per*

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 RONALD DUMAS,
 16 Plaintiff,
 17 v.
 18 NEW UNITED MOTOR
 MANUFACTURING, INC. (“NUMMI”),
 19 a California Corporation; GARRETT
 EMERY, an individual; a business entity of
 20 unknown form; and DOES 1-20, inclusive,,
 21 Defendant.

Case No. 09-05290 SBA

**STIPULATION AND ORDER TO
 MODIFY CASE MANAGEMENT ORDER**
[FRCP 16(B)(4)]

Judge: Sandra B. Armstrong

1 Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff Ronald Dumas, *in pro per*, and
2 Defendant New United Motor Manufacturing, Inc. (“NUMMI”) hereby stipulate as follows:

3 WHEREAS, the Court’s current Case Management Order set Non-Expert Discovery
4 Cut-Off for May 2, 2011, Dispositive Hearing Deadline for June 21, 2011, and a Pre-trial Settlement
5 Conference for July 6, 2011, among other deadlines;

6 WHEREAS, Defendant timely served Plaintiff with written discovery requests for
7 response, and timely noticed his deposition to take place on or before the discovery cut-off;

8 WHEREAS, Plaintiff notified Defendant that he is in the process of speaking with
9 and attempting to secure counsel and requires additional time to prepare his discovery responses and
10 appear for his deposition;

11 WHEREAS, the Parties are cooperating to address these issues and have agreed that
12 Plaintiff’s Deposition will take place on May 24, 2011 and June 7, 2011, and that he will produce all
13 documents within his possession, custody or control to counsel for Defendant by June 1, 2011 via
14 Federal Express;

15 WHEREAS, the Parties agree that because Defendant has agreed to continue
16 Plaintiff’s discovery response deadline and deposition to accommodate Plaintiff’s time constraints
17 and attempt to secure counsel, Defendant will not be in a position to file a dispositive motion until
18 after completing Plaintiff’s deposition, and beyond the date by which dispositive motions currently
19 are required to be filed in this matter;

20 WHEREAS, the Parties agree that it would prejudice Plaintiff if he were not
21 permitted additional time to serve his discovery responses and that it would prejudice Defendant if it
22 were prohibited from filing a dispositive motion;

23 WHEREAS, the Parties further agree that, in the interests of judicial economy, the
24 July 6, 2011 settlement conference should be conducted after a dispositive motion hearing; and

25 WHEREAS, the Parties have not made any previous requests to modify the Case
26 Management Order by stipulation.

1 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,**
2 based on the foregoing circumstances, to request that the Court establish the following modified
3 deadlines:

4 **Discovery Cut-Off:** Plaintiff shall be permitted to serve his discovery responses to
5 the outstanding discovery that was properly and timely served and due prior to the current discovery
6 cut-off on June 1, 2011, via Federal Express delivery to counsel for Defendant. Defendant shall be
7 permitted to conduct Plaintiff's deposition on May 24, 2011 and June 7, 2011, beginning at 10:00
8 a.m. on each day.

9 **Dispositive Motion Hearing Deadline:** The dispositive motion hearing deadline
10 shall be continued to July 29, 2011, or as soon thereafter as the Court's calendar permits, to allow
11 the parties sufficient time to complete the deposition of Plaintiff and file a dispositive motion.

12 **Pre-Trial Settlement Conference:** The Pre-trial Settlement Conference shall be
13 continued from July 6, 2011 to August 5, 2011, or as soon thereafter as the Court's calendar permits.

14
15 Dated: April 20, 2011

ERIC C. BELLAFRONTO
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
NEW UNITED MOTOR MANUFACTURING, INC.

16
17
18
19 Dated: April 20, 2011

RONALD DUMAS
PLAINTIFF, *IN PRO PER*

20
21
22 IT IS SO ORDERED.

23
24 Dated: 4/28/11



THE HONORABLE SAUNDRA B. ARMSTRONG
United States District Judge

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

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RONALD DUMAS et al,

Plaintiff,

v.

NEW UNITED MOTOR MANUFACTURING ,
INC et al,

Defendant.

_____ /

Case Number: CV09-05290 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 12, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ronald Dumas
942 91st Avenue
Oakland, CA 94603

Dated: May 12, 2011

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk

Firmwide:101271418.1 048320.1047