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WILLIAM MCKINNEY

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

15 WILLIAM MCKINNEY,) Case No. CV 09 5561 CW
16)
Plaintiff,)
17)
vs.)
18)
BAYER HEALTHCARE LLC; BAYER)
19 HEALTHCARE PHARMACEUTICALS, INC.;)
and DOES 1-20,)
20)
Defendants.)
21)
22)
23)

24 The parties, plaintiff William McKinney and defendants Bayer HealthCare LLC and
Bayer HealthCare Pharmaceuticals Inc., through their respective counsel, hereby stipulate,
25 pursuant to Civil Local Rule 6-2, as follows:

26 1. This Court originally issued a Case Management Order setting on (1) a percipient
27 discovery cut-off date of November 12, 2010, (2) a date of December 16, 2010 by which to hear
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1 dispositive motions, and (3) a trial date of May 16, 2011 (Docket # 13).

2 2. The parties have been engaging in cooperative efforts to timely complete
3 discovery but, on account of the schedules of witnesses and counsel, are unable to complete the
4 deposition discovery on a timely basis. Currently, there are (5) depositions noticed by the
5 plaintiff as follows: (1) Martin Grubbs (the former manager in the area worked in by plaintiff),
6 (2) Mary Foxall (an occupational health nurse who had involvement with plaintiff's leave of
7 absence), (3) Robert McCollough (another former manager in the area worked in by plaintiff),
8 (4) Brian Sullivan (a former Bayer employee that plaintiff claims replaced him in his position),
9 and (5) Donald R. Ochse (another former Bayer employee that plaintiff claims has knowledge
10 concerning plaintiff's job duties and other matters associated with plaintiff's Bayer
11 employment). Defendants have noticed the depositions of: (1) Kathryn Econome, MD (a
12 physician who treated plaintiff for his claimed disabling condition); (2) Robert Christianson, MD
13 (another physician who treated plaintiff for his claimed disabling condition), and (3) Ronald
14 Santwier (a former Bayer employee, from whom plaintiff has proffered an Affidavit in regards to
15 certain factual matters having to do with plaintiff's purported job duties).

16 3. Though the parties have been working diligently and cooperatively, they have not
17 been able to schedule these depositions in a manner to be completed by November 12, 2010. In
18 addition, the parties believe it is in the best interest of all to defer dispositive motion briefing
19 until percipient discovery is complete.

20 4. Accordingly, the parties have met and conferred and jointly propose (1)
21 continuing the percipient discovery cut-off date to December 23, 2010, and (2) continuing the
22 last day to hear dispositive motions to January 27, 2011. The balance of the case management
23 dates would remain the same.

24 5. There has been one previous request by the parties to continue a case management
25 date; the last day to complete the ENE process which was granted by this Court. (Docket # 16.)

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IT IS SO STIPULATED

Dated: November 3, 2010

LAW OFFICE OF JEROME SCHREIBSTEIN

By _____ /s/
Jerome Schreiberstein
Attorneys for Defendant s BAYER
HEALTHCARE LLC and BAYER
HEALTHCARE PHARMACEUTICALS
INC.

Dated: November 3, 2010

LAW OFFICES OF JEREMY PASTERNAK

By _____ /s/
Jeremy Pasternak
Anthony Ocegura
Attorneys for Plaintiff
WILLIAM MCKINNEY


ORDER

PURSUANT TO STIPULATION AND GOOD CAUSE OTHERWISE

APPEARING, THE COURT ORDERS THAT (1) the percipient discovery cut-off date is hereby moved to December 23, 2010, and (2) the last day to hear dispositive motions is hereby moved to January 27, 2011, along with the Further Case Management Conference which will be held even if no motions are filed.

IT IS SO ORDERED

Dated: 11/10/2010


HON. CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE