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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

12 **KEVIN MARILLEY; SALVATORE;**
PAPETTI; SAVIOR PAPETTI, on behalf
 13 of themselves and similarly situated,

14 **Plaintiffs,**

15 **v.**

16 **CHARLTON H. BONHAM**, in his official
 17 capacity,

18 **Defendant.**

Case No. 11-2418 (DMR)

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE AMENDED SCHEDULE**

AS MODIFIED

1 WHEREAS, at the February 23, 2012 hearing on class certification, the Court modified
2 its initial August 31, 2011 scheduling order as follows: Non-expert discovery cutoff - July 31,
3 2012; Expert disclosure deadline - July 31, 2012; Rebuttal expert disclosure deadline - August
4 14, 2012; Expert discovery cutoff - August 28, 2012; Last day to hear dispositive motions -
5 September 27, 2012; Last day to meet and confer prior to pre-trial conference - December 11,
6 2012; Joint pre-trial conference statement/trial briefs due - December 21, 2012; Objections due -
7 December 31, 2012; Pre-trial conference - January 9, 2012 3:00 p.m.; Bench trial - January 22,
8 2012 8:30 a.m.;

9 WHEREAS, at the February 23, 2012 hearing, the Court also referred the parties to the
10 Northern District ADR Panel to discuss possible approaches to settlement;

11 WHEREAS, the parties participated in mediation sessions with a Court appointed
12 mediator and exchanged substantive settlement proposals until, on May 11, 2012, the parties
13 ultimately determined that, unfortunately, a settled resolution was not possible;

14 WHEREAS, during the pendency of the mediation efforts, the parties entered into an
15 informal stay of discovery in order to focus their respective efforts on the achievement of a
16 settled resolution and avoid unnecessary work;

17 WHEREAS, the parties agree that, in addition to factors related to this informal stay,
18 several factors would make compliance with the present schedule very difficult;

19 WHEREAS, the parties further agree that the schedule modifications sought herein,
20 while having a material effect on the schedule for the case, are necessary to ensure that the
21 parties have a full and fair opportunity to litigate their respective cases;

22 WHEREAS, the following prior stipulated scheduling modifications were entered by the
23 Court:

- 24 • August 8, 2011 (Dckt. No. 7), setting a briefing schedule for Defendants'
25 response to the Complaint, and
- 26 • On August 31, 2011, (Dckt. No. 23), setting a briefing schedule for Plaintiffs'
27 motion for a preliminary injunction; and

1 WHEREAS, the second column in the chart below reflects dates set in accordance with
 2 the Court's February 23, 2012 scheduling order, except in the case of events for which that
 3 order did not set a date, in which case slashes are included, and the third column in the chart
 4 below reflects the proposed agreed upon dates;

5 THE PARTIES HEREBY STIPULATE AND AGREE, IN ACCORDANCE WITH CIVIL
 6 LOCAL RULES 6-2 AND 7-12, SUBJECT TO COURT APPROVAL:

| ITEM | Previous Deadlines | Proposed Deadlines |
|--|---------------------|---|
| Last day to propound any written discovery requests, with the exception of requests for admission and associated interrogatories | //////// | 7/17/12 |
| Last day to propound requests for admission and associated interrogatories | //////// | 8/10/12 |
| Last day to complete document productions | //////// | 8/31/12 |
| Last day to complete non-expert depositions | //////// | 9/14/12 |
| Non-expert discovery cutoff | 7/31/12 | 9/17/12 |
| Expert disclosure deadline | 7/31/12 | 9/17/12 |
| Rebuttal expert disclosure deadline | 8/14/12 | 10/15/12 |
| Expert discovery cutoff | 8/28/12 | 10/29/12 |
| Last day for Plaintiffs to file a motion for summary judgment and Daubert challenges | //////// | 11/29/12 |
| Last day for Defendant to file opposition and cross-motion for summary judgment/opposition to Daubert challenges and cross-Daubert challenges | //////// | 1/7/13 |
| Last day for Plaintiffs to file reply ISO summary judgment and opposition to cross-motion for summary judgment/reply ISO Daubert challenges and opposition to cross-Daubert challenges | //////// | 2/7/13 |
| Last day for Defendant to file reply ISO cross-motion for summary judgment/reply ISO Daubert Challenges | //////// | 3/10/13 3/7/13 |
| Last day to hear dispositive motions (Hearing on Cross MSJs and Daubert Motions) | 9/27/12 | 3/31/13 3/28/13 |
| Last day to meet and confer prior to pre-trial conference | 12/11/12 | 5/26/13 5/20/13 |
| Joint pre-trial conference statement/trial briefs due | 12/21/12 | 6/6/13 5/30/13 |
| Objections due | 12/31/12 | 6/17/13 6/10/13 |
| Pre-trial conference | 1/9/13 3:00 p.m. | 6/22/13 6/19/13 3:00 p.m. |
| Bench trial Length of trial not to exceed 4 days | 1/22/13 8:30 a.m | 6/27/13 7/1/13 8:30 a.m. |

1 Dated: June 14, 2012

Respectfully submitted,

2 **GROSS LAW**

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4 /s/ Stuart G. Gross

STUART G. GROSS

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6 *Counsel for Plaintiffs and
Proposed Class*

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8 Dated: June 14, 2012

9 **KAMALA D. HARRIS**
Attorney General of California
10 **ROBERT W. BYRNE**
Supervising Deputy Attorney
11 General

12 /s/ Cecilia L. Dennis

13 CECILIA L. DENNIS
14 Deputy Attorney General

15 *Attorneys for Defendants*

16 PURSUANT TO STIPULATION, IT IS SO ORDERED,

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18 Dated: June 15, 2012



