

1 JOHN L. BURRIS ESQ., SBN 69888
 2 DEWITT LACY, ESQ., SBN 258789
 3 K. CHIKE ODIWE, ESQ., SBN 315109
 4 LAW OFFICES OF JOHN L. BURRIS
 5 Airport Corporate Centre
 6 7677 Oakport Street, Suite 1120
 7 Oakland, California 94621
 8 Telephone: (510) 839-5200
 9 Facsimile: (510) 839-3882
 10 john.burris@johnburrislaw.com
 11 dewitt.lacy@johnburrislaw.com
 12 chike.odiwe@johnburrislaw.com

13 Attorneys for Plaintiff
 14 RON FRANKLIN

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 RON FRANKLIN, an individual

18 Plaintiff,

19 vs.

20 DENNIS MALLY, individually and in his
 21 capacity as an officer for the San Leandro Police
 22 Department; and DOES 1-50, inclusive,
 23 individually, jointly and severally,

24 Defendants.

25 STIPULATION AND ~~PROPOSED~~ ORDER
 26 FOR PARTIAL
 27 MODIFICATION OF SCHEDULING
 28 ORDER

Pursuant to Federal Rules of Civil Procedure Rule 16(b)(4), and the Scheduling Order issued by United States District Judge Haywood S. Gilliam Jr. on September 27, 2018 (the "Scheduling Order"), (ECF 37.) Plaintiff Ron Franklin, and Defendant Dennis Mally by and through undersigned counsel, hereby jointly stipulate and move to modify the Scheduling Order for good cause as follows:

1. Pursuant to the Scheduling Order, the cut-off for general discovery is February 25, 2019.
2. WHEREAS the parties intended to depose the only known percipient witnesses Jose Nunez, Sergio Macias, and Joana Styx before the discovery cut-off.

- 1 3. WHEREAS Defendant's Counsel attempted to set the deposition of the percipient witnesses
2 for February 25, 2019.
- 3 4. WHEREAS Defendant's Counsel was unsuccessful in securing the deposition of the
4 percipient witnesses for February 25, 2019.
- 5 5. WHEREAS Plaintiff's Counsel has only recently located Joana Styx and Sergio Macias at
6 their new address after retaining a private investigator.
- 7 6. As a result of the recent location of Joana Styx and Sergio Macias and the need to locate and
8 depose Jose Nunez, the parties request that the discovery closure date be extended to March
9 25, 2019.
- 10 7. Furthermore, Defendant's Counsel intends to take the depositions of the paramedics, Travis
11 Crothers and Tom Bowring, who arrived on scene shortly after the incident. The parties
12 request that the discovery cut-off date be extended to March 25, 2019 so that the parties may
13 take the depositions of civilian witnesses Jose Nunez, Sergio Macias, Joanna Styx and
14 paramedics Travis Crothers and Tom Bowring.

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16 IT IS RESPECTFULLY REQUESTED AND SO STIPULATED.

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18 LAW OFFICES OF JOHN L. BURRIS

19 Dated: February 25, 2019

/s K. Chike Odiwe
K. Chike Odiwe, Esq.,
Attorney for Plaintiff
RON FRANKLIN


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23 DATED: February 28, 2019

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

~~PROPOSED~~ ORDER

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2 Having considered the parties' stipulation, the deadline to complete fact discovery is March 25,
3 2019. IT IS SO ORDERED.

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5 DATED: 3/1/2019


6 THE HONORABLE HAYWOOD S. GILLIAM, JR.
7 UNITED STATES DISTRICT JUDGE
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