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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 **WASHINGTON C. MONTANO,**
 18 Plaintiff,

19 v.

21 **CESAR L. SINNACO,**
 22 Defendant.

Case No.: 5:04-cv-00543 JF (PR)

**STIPULATION AND [PROPOSED]
 ORDER REGARDING EXPERT
 DISCOVERY AND MOTION *IN LIMINE*
 DEADLINE**

Courtroom: 3, 5th Floor
 Judge: Hon. Jeremy Fogel
 Pretrial Conf.: June 24, 2011
 Trial Date: July 5, 2011
 Action Filed: Feb. 9, 2004

1 Plaintiff Washington C. Montano and Defendant Cesar L. Sinnaco (collectively, "parties"),
2 through their counsel of record, hereby stipulate as follows:

3 WHEREAS, on April 28, 2011, the parties filed a Stipulation and [Proposed] Order
4 Regarding Settlement Conference And Expert Discovery Deadline, which sought to extend the
5 deadline for expert discovery in light of the parties' mutual desire to schedule and attend a
6 judicial settlement conference;

7 WHEREAS, on May 4, 2011 the Court approved the Stipulation and [Proposed] Order
8 Regarding Settlement Conference And Expert Discovery Deadline, thereby setting the expert
9 discovery deadline on June 15, 2011;

10 WHEREAS, the parties scheduled and attended a settlement conference with Magistrate
11 Judge Vadas on May 31, 2011 (his earliest availability), and the case did not settle;

12 WHEREAS, the parties met and conferred regarding scheduling of expert depositions, and
13 due to Dr. Sinnaco's expert witness's asserted unavailability until after the close of expert
14 discovery, Plaintiff scheduled the deposition of Dr. Sinnaco's expert witness on June 20, 2011;

15 WHEREAS, the deadline to file discovery motions and motions *in limine* in this action is
16 June 17, 2011 pursuant to section I.C.6 of the Court's Standing Order Re Pretrial Preparation;

17 WHEREAS, the scheduled deposition of Dr. Sinnaco's expert witness is scheduled to occur
18 after the deadline to file discovery motions and motions *in limine* in this action;

19 WHEREAS the parties met and conferred, and hereby seek to reschedule the close of expert
20 discovery with respect to the deposition of Dr. Sinnaco's expert and the deadline to file a motion
21 *in limine* relating to Dr. Sinnaco's expert;

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THE PARTIES HEREBY STIPULATE to the following for Court approval:

- 1) The deadline to conclude expert discovery relating to Dr. Sinnaco’s expert witness is continued from June 15, 2011 to June 21, 2011.
- 2) The deadline for Plaintiff to file motion(s) *in limine* relating to Dr. Sinnaco’s expert witness is continued from June 17, 2011 to June 23, 2011 – one day prior to the Pretrial Conference in this action.

Dated: June 10, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
TYLER B. PON
Supervising Deputy Attorney General

/s/
JEFF R. VINCENT
Deputy Attorney General
Attorneys for Defendant Cesar L. Sinnaco


I, Christopher M. O’Connor, declare, under penalty of perjury under the laws of the United States of America, that Deputy Attorney General Wilfred Fong has concurred in the filing of this document.

Dated: June 10, 2011

BINGHAM McCUTCHEEN LLP
By: _____
/s/ Christopher M. O’Connor
Christopher M. O’Connor
Attorneys for Plaintiff Washington C. Montano

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/15/11 _____


Hon. Jeremy Fogel