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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

MICHAEL ANGELO MORALES,	)	CASE NO. C 06 0219 JF (RS)
ALBERT G. BROWN,	)	C 06 0926 JF (RS)
Plaintiffs,	)	
v.	)	
	)	JOINT PROPOSED SCHEDULE FOR
MATTHEW CATE, Secretary of the California	)	COMPLETING DISCOVERY;
Department of Corrections and Rehabilitation,	)	<del>PROPOSED</del> ORDER;
et al.,	)	GENERAL ORDER 45 ATTESTATION
Defendants.	)	
_____	)	
	)	
PACIFIC NEWS SERVICE,	)	
Plaintiff	)	CASE NO. C 06 01793 JF (RS)
v.	)	
	)	
MATTHEW CATE, Secretary of the California	)	
Department of Corrections and Rehabilitation,	)	
et al.,	)	
Defendants.	)	
_____	)	



1 be resolved, will submit a joint statement to the Court for its review and resolution of the  
2 issue by September 30, 2011.

3 Plaintiffs will review on a rolling basis the documents and information received in  
4 order to, *inter alia*, identify witnesses for depositions. Depositions will be scheduled  
5 thereafter. At this point, Plaintiffs anticipate deposing witnesses with knowledge of the  
6 regulations and execution team documents, document custodians, and present and former  
7 execution team managers and participants. In this regard, Plaintiffs counsel have  
8 conferred with Defendants' counsel generally about the scheduling of the depositions  
9 (*see* L.R. 30-1), and counsel are aware of and understand that counsel have other  
10 professional obligations, including trials, that previously have been calendared. The  
11 parties will work together to schedule depositions on dates certain when the witnesses  
12 and counsel are available. L.R. 30-1.

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15 If a dispute arises during a deposition regarding a party's assertion of a privilege,  
16 objection, or instruction to a witness that cannot be resolved by conferring in good faith,  
17 counsel will contact Judge Fogel's chambers pursuant to Local Rule 37-1(b) to ask if the  
18 Court is available to address the problem through a telephone conference during the  
19 deposition, or whether counsel can be directed to a Magistrate Judge to resolve the  
20 matter. Counsel will advise the Court of the deposition schedule via e-mail to Mr.  
21 Kolombatovich when the depositions are set.

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24 Based upon counsel for Plaintiffs' review of certain documentation produced by  
25 Defendants to date, Plaintiffs believe that it may be incomplete. Plaintiffs believe that  
26 these issues can be clarified during depositions. If the production of such records is in  
27 fact incomplete, additional time will be required for Defendants to make complete  
28 productions, for Plaintiffs' counsel to review the records, and for the parties to complete

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the depositions. In addition, Defendants hope to obtain further discovery responses from Plaintiffs and will work with Plaintiffs to resolve these issues before bringing them to the Court for any resolution.

Once Defendants complete their discovery obligations set forth in the Court’s March 11, 2011 order and all supplements thereto, and Plaintiffs complete all non-expert depositions, Plaintiffs will supplement their responses to Defendants’ contention interrogatories in a timely manner, and in any event within 14 days, unless modified by agreement of the parties. After the foregoing discovery has been completed, the parties will identify expert information as required by Rule 26(a)(2), and present their experts for depositions thereafter.

In light of this stipulated discovery schedule which has been carefully considered by the parties and is entered into in a good faith attempt to meet the Court’s expectations that “the parties [] comply with their discovery obligations . . . and [] resolve any further disputes amicably without bringing them to the Court” (Order Re Discovery and Defendants’ Motion to Strike, at 6 (ECF No.513)),

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