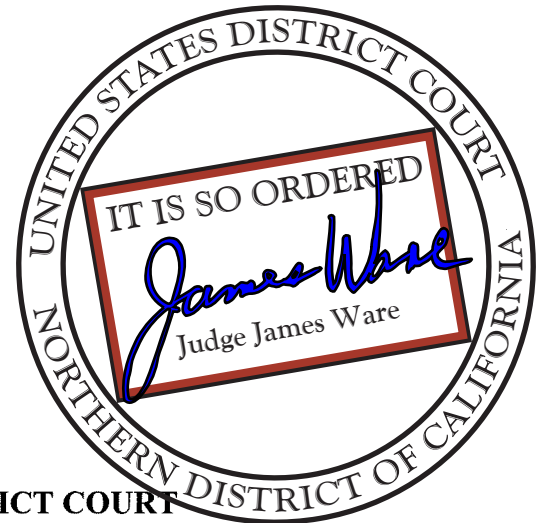


WILLIAM H. ORRICK, III (State Bar No. 113252)  
 JULIA D. GREER (State Bar No. 200479)  
 COBLENTZ, PATCH, DUFFY & BASS LLP  
 One Ferry Building, Suite 200  
 San Francisco, California 94111-4213  
 Telephone: 415.391.4800  
 Facsimile: 415.989.1663  
 Email: ef-who@cpdb.com  
 Email: ef-jdg@cpdb.com

Attorneys for Plaintiff  
 PIERRE LEBON HOFFMAN

(additional counsel on signature page)



UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

PIERRE LEBON HOFFMAN,

Plaintiff,

v.

DR. CHARLES LEE,

Defendant.

Case No. C 06-02248 JW (PR)

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND DEADLINE FOR  
 NON-EXPERT DISCOVERY CUT-OFF,  
 EXPERT DISCOVERY CUT-OFF, AND  
 RELATED DEADLINES**

Judge: Honorable James Ware

WHEREAS, on October 2, 2008, this Court issued a Scheduling Order setting a pre-trial schedule, a true and correct copy of which is attached hereto as Exhibit A;

WHEREAS, Plaintiff in this action claims, *inter alia*, deliberate indifference to serious medical needs against Defendant;

WHEREAS, upon appointment to this case in August 2008, counsel for Plaintiff was not in possession of the Plaintiff's medical records, which were necessary in order to permit counsel to fully evaluate Plaintiff's claims in this case;

WHEREAS, Defendants are still producing medical records to Plaintiff in the course of discovery, and not all records have been produced;

WHEREAS, after review of such records as have been thus far obtained by counsel, it

1 became necessary for Plaintiff to obtain expert consultation and testimony to evaluate Plaintiff's  
2 medical issues and, if appropriate, testify in this matter;

3 WHEREAS, despite all diligence in seeking such an expert, Plaintiff was unable to find  
4 and retain a suitable expert until late December, and said expert needs additional time to review  
5 and evaluate Plaintiff's myriad medical issues;

6 WHEREAS, additional discovery may be needed in order for Plaintiff's expert to have  
7 adequate information to perform his evaluation and to testify fully and completely at deposition  
8 and trial, and to allow counsel for Defendants to prepare adequately for said testimony, or to  
9 object to or rebut same;

10 NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE as follows:

11 1. The date for disclosure of expert witnesses, including the lodging with Court and  
12 service on all other parties of the name, address, qualifications, resume and written report that  
13 complies with Fed. R. Civ. P. 26(a)(2)(B), shall be extended to February 2, 2009;

14 2. The date for disclosure of rebuttal experts shall be extended to March 2, 2009;

15 3. The date for filing objections to the qualifications or proposed testimony of an  
16 expert shall be extended to March 23, 2009;


17 4. The date for the close of all discovery shall be extended to March 23, 2009;

18 5. The preliminary pretrial conference currently scheduled for February 2, 2009, shall  
19 be moved to **March 9, 2009 at 11 a.m.**

20 6. The preliminary pretrial conference statement will be due on February 27, 2009  
21 (ten days prior to the preliminary pretrial conference);

22 7. All other dates, including the dates for trial, shall remain unchanged.

23  
24 Dated: January 28, 2009

  
JAMES WARE  
United States District Judge