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2	DAVID ROLLO, Deputy County Counsel (S.B. #111998) GREGORY J. SEBASTINELLI, Deputy County Counsel (S.B. #104884)				
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6	Attorneys for Defendants	NORMA	*E EII ED	2/2/10*	
7	COUNŤY OF SANTA CLARA, NORMA  SPARKS, YAZMINA LETONA, SHARON  *E-FILED - 2/2/10*				
8	BURGAN, LINDA CASTALDI, JEWELS RAMIREZ, VU TRAN, RIMA SINGH, AARON WEST, JOHN HAMILTON, ANITA NOBLE, JANET KAHLE, MARY RITTER, DAVID KEARNS, and ELISABETH MAILHOT, M.D.				
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12	UNITED STATES DISTRICT COURT				
13	FOR THE NORTHERN DISTRICT OF CALIFORNIA (San Jose Division)				
14		(Bull 303	c Division)		
15	TRACY WATSON et al.,	)	No. C06-4029 RMV	V	
16	Plaintiffs,	,	STIPULATION AND		
17	v.	)	TO MODIFY SCHEI DECLARATION OF	MELISSA	
18	COUNTY OF SANTA CLARA	,	KINIYALOCTS IN S	UPPORT THEROF	
19	Defendants.	)			
20		)			
21	The parties in the above-captioned action submit the following stipulation and order to				
22	modify the current scheduling order as follows:				
23		Current So	cheduling Order	<b>Proposed New Date</b>	
24	Expert Disclosure	February 8,	2010	May 10, 2010	
25	Disclosure of rebuttal experts	March 1, 20	010	June 7, 2010	
26	Close of Expert discovery	March 26, 2	2010	July 2, 2010	
27	Pretrial Conference	April 22, 20	010	August 5, 2010	
28	Trial	May 10, 20	10	August 23, 2010	

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attorneys of record for the County of Santa Clara Defendants.

- 2. This request for an order to modify the scheduling order is made jointly pursuant to stipulation. Counsel for all parties have met and conferred regarding the proposed expert discovery dates and trial date.
- 3. On December 4, 2009, Defendants' nine motions for summary judgment were heard. The motions, which were filed by the County of Santa Clara, Evergreen School District, and City of San Jose Defendants, remain under submission.
- 4. My co-counsel, Deputy County Counsel David Rollo, is scheduled to have surgery on February 18, 2010. He anticipates being off work following the procedure for the remainder of February and most likely the first two to three weeks in March. Thus, Mr. Rollo will not be in a position to assist with expert discovery in February and March 2010.
- 5. The parties agree that expert discovery and trial preparation could be substantially impacted by the rulings on the pending motions for summary judgment. Defendants are public entities and their employees. As such, prior to incurring substantial costs and fees associated with expert discovery and trial preparation, the parties agree to postpone the expert discovery deadlines and trial date to allow additional time for rulings on the pending motions.
- 6. Further, I have been informed by counsel for the Evergreen School District Defendants that these defendants are off work during the summer months. As such, the proposed August 23, 2010 trial date would accommodate their summer vacation schedules.
- 7. The parties have previously requested modifications to the scheduling order on January 14, 2008, May 2, 2008, September 8, 2008, and January 15, 2009. Additionally, on June 11, 2009 the Court entered a Modified Scheduling Order after a Further Case Management Conference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8<sup>th</sup> day of January, 2010 at San Jose, California.

/S/
MELISSA KINIYALOCTS

1	ORDER				
2	The Court has considered the stipulation to modify the scheduling order and makes the				
3	following order pursuant to the stipulation	on:			
4	Expert Disclosure	May 10, 2010			
5	Disclosure of rebuttal experts	June 7, 2010			
6	Close of Expert discovery	July 2, 2010			
7	Pretrial Conference	August 5, 2010, 2:00 p.m.			
8	Trial	August 23, 2010, 1:00 p.m.			
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10	IT IS SO ORDERED.				
11		Konald M. Whyte			
12	Dated: 2/2/10	HONORABLE RONALD M. WHITE			
13		United States District Court Judge			
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