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Attorneys for Plaintiffs

9 IN THE UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 DANIEL J. MITCHELL, acting for himself)
 and others similarly situated,)
 13)
 Plaintiffs,)
 14 v.)
 15 COUNTY OF MONTEREY,)
 16)
 Defendant.)
 17)
 18)
 19)

Case No.: 5:08-01166 JW

**STIPULATION AND ORDER
 MODIFYING SCHEDULING ORDER
 PROPOSED ORDER**

The parties, through their attorneys of record, hereby stipulate as follows:

1. On February 17, 2010, the Court granted Defendant COUNTY OF MONTEREY ("County") leave to amend the Answer filed in this action;
2. In its February 17, 2010 Order, the Court offered to allow the parties to stipulate, subject to the Court's approval, or file an appropriate motion, for a reasonable extension of the current case schedule.
3. On February 17, 2010, the County filed its First Amended Answer;
4. The County's First Amended Answer asserts five new affirmative defenses to Plaintiffs'

- 1 Complaint;
- 2 5. The parties acknowledge the affirmative defenses raised in the County's First Amended
- 3 Complaint require significant factual discovery that, as of yet, the parties did not contemplate
- 4 while conducting discovery in this action;
- 5 6. The issues raised by the County's First Amended Answer may require expert testimony from
- 6 additional expert witnesses;
- 7 7. The parties agree good cause exists to extend all deadlines set forth in the Court's Scheduling
- 8 order, as amended November 19, 2009, by at least one hundred and eighty (180) days, as
- 9 follows:

	<u>Current Date</u>	<u>New Date</u>
10		
11 <u>Expert Disclosure</u>	February 22, 2010	August 23, 2010
12 <u>Preliminary Pre-Trial Statements</u>	March 12, 2010	September 8, 2010
13 <u>Rebuttal Expert Disclosure</u>	March 7, 2010	September 3, 2010
14 <u>Preliminary Pre-Trial Conference</u>	March 22, 2010	September 13, 2010
15 <u>Close of All Discovery</u>	April 26, 2010	September 13, 2010
16 <u>Last Day for Hearing Dispositive Motions</u>	June 21, 2010	November 15, 2010
17 <u>Joint Pretrial Conference Statement</u>	----	September 3, 2010

- 18 8. Witnesses deposed before the Court granted the County leave to amend may be re-deposed for
- 19 the purpose of eliciting testimony relevant to the issues raised in the County's First Amended
- 20 Answer;
- 21 9. Subsequent depositions of witnesses the parties deposed before the Court granted the County
- 22 leave to amend shall not count towards the twenty one deposition the parties previously
- 23 stipulated to.

24

25 Dated: February 18, 2010

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27 **MASTAGNI, HOLSTEDT, AMICK,**

28 **MILLER & JOHNSEN**

By: /s/ Isaac S. Stevens

ISAAC S. STEVENS

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Attorney for Plaintiffs
DAN MITCHELL, et al.

Dated: February 19, 2010

By: William K. Rentz
WILLIAM K. RENTZ
Sr. Deputy County Counsel
Attorney for Defendants
COUNTY OF MONTEREY

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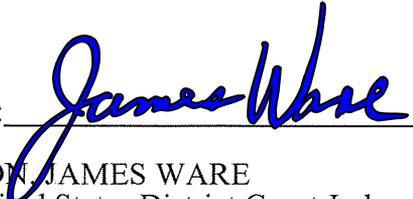
ORDER AS MODIFIED

Good cause appearing, it is hereby ORDERED that the dates set forth in the Scheduling Order in this case is modified as follows:

	<u>Current Date</u>	<u>New Date</u>
<u>Expert Disclosure</u>	February 22, 2010	August 23, 2010
<u>Preliminary Pre-Trial Statements</u>	March 12, 2010	September 8, 2010
<u>Rebuttal Expert Disclosure</u>	March 7, 2010	September 3, 2010
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<u>Close of All Discovery</u>	April 26, 2010	September 3, 2010
<u>Last Day for Hearing Dispositive Motions</u>	June 21, 2010	November 15, 2010
<u>Joint Pretrial Conference Statement</u>	----	September 3, 2010

IT IS SO ORDERED.

Dated: March 1, 2010

By: 
HON. JAMES WARE
United States District Court Judge