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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 (SAN JOSE)

13	NICK MASTERS,)	No. 0802473 PVT
14	Plaintiff,)	STIPULATION AND REQUEST FOR ORDER CHANGING TIME OF FACT DISCOVERY AND EXPERT DISCOVERY; DECLARATION OF DAVID M. ROLLO (CIVIL L. R. 6-2)
15	v.)	
16	COUNTY OF SANTA CLARA, et al.,)	
17	Defendants.)	
18	_____)	

19 COME NOW THE PARTIES who have stipulated to the following request for an Order
 20 changing the deadline for Fact Discovery cut-off and Expert Discovery cut-off as follows:

21	CURRENT CASE MANAGEMENT ORDER	PROPOSED NEW DATE/ORDER
22	Fact Discovery Cutoff. May 15, 2009	July 17, 2009
23	Expert Discovery Cutoff. July 24, 2009	August 24, 2009

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1 DECLARATION OF DAVID M. ROLLO IN SUPPORT OF STIPULATION AND REQUEST

2 1. I, David M. Rollo, state that I am a Deputy County Counsel duly licensed to practice law
3 before this Court and all California courts, and am the attorney of record for the defendants
4 herein.

5 2. This request for an order extending the fact and expert discovery cutoff dates is jointly
6 made by both sides in order to allow for the completion of necessary discovery and to
7 accommodate the schedules of counsel.
8

9 3. I had been set for a two week jury trial in the Colorado District Court set to commence
10 on April 6, 2009. I was tied up preparing for that matter for the first few months of 2009. That
11 case was partially decided by motion and an interlocutory appeal was filed. On April 1, 2009, I
12 was hospitalized for a day for an acute episode of atrial fibrillation and have taken multiple sick
13 days since that time for follow-up medical care and evaluation. I have not been as available
14 as I would have liked and have had to postpone and reschedule various matters.
15

16 4. My schedule for May-July, 2009 includes a prepaid out-of-state vacation from June 15-
17 June 24, and an inpatient surgical procedure July 8-July 10. I also have multiple depositions in
18 two other federal court matters either set or being set during this period. Accordingly, I believe
19 the requested extensions will accommodate these calendaring issues.
20

21 5. The parties recently completed the ENE process which both sides found helpful.
22 Plaintiff's medical condition was recently updated and counsel are cooperating in securing
23 medical records and other documentation to comply with their Rule 26 disclosure obligations.
24 The parties anticipate the need for several more depositions, including third party witnesses, and
25 will need the additional time for scheduling purposes.

26 6. This is the first request to modify the discovery cutoff dates. There was a previous
27 request to extend the time for the ENE to be heard. The parties do not expect the trial date of
28

