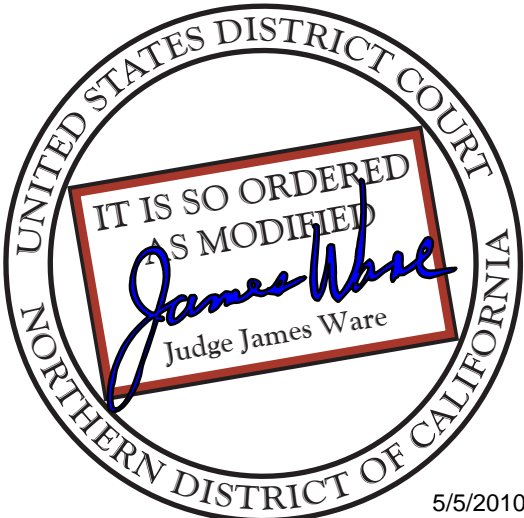


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10 Attorneys for Plaintiffs
MS. THERESE ARIZMENDI; and
 11 **BABY ARIZMENDI**

12
 13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

16	THERESE ARIZMENDI, et al.,) Case No. CV 08-05163 JW
17	Plaintiffs,)
18	vs.) STIPULATION FOR ORDER
19	CITY OF SAN JOSE, et al.,) PARTIALLY MODIFYING
20	Defendants.) SCHEDULING ORDER; AND
21) ORDER
22) Complaint filed November 13, 2008
23) Pre-Trial Conference Date: None
24) (Docket No. 72)
) Trial Date: None

25
 26 **IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES**
 27 **through their counsel of record as follows:**

28 **WHEREAS, fact discovery in this matter is currently set to close on April 26, 2010;**

1 WHEREAS, the last day for experts to exchange reports is currently set for May 3,
2 2010 (Docket No. 56);

3 WHEREAS, the parties require additional time to complete the depositions of fact
4 witnesses;

5 WHEREAS experts will not be in possession of all facts necessary to prepare
6 complete expert reports until after all fact witness depositions are completed;

7 THEREFORE, the parties have stipulated and agreed to the following modifications
8 to the Scheduling Order:
9

- 10 1. Plaintiffs shall have until May 14 to complete the deposition of defendants
11 Immobersteg, Miri, and Delosantos;
- 12 2. Plaintiffs shall have until May 14 to complete the FRCP 30(b)(6) deposition
13 regarding Internal Affairs. Defendants do not waive any right to object to this
14 deposition, other than timeliness which is waived;
- 15 3. Plaintiffs shall have until May 14 to complete the FRCP 30(b)(6) regarding
16 (a) Implementation, modification and oversight of policies, procedures and
17 customs of the San Jose Police Department (SJPd) regarding hostage
18 situations as set forth in section L1400, et seq. of the 2007 SJPd Duty Manual
19 from January 1, 2005 to the present.
20 (b) Implementation, modification and oversight of policies, procedures and
21 customs of the San Jose Police Department (SJPd) regarding barricaded
22 suspects as set forth in section L1500, et seq. of the 2007 SJPd Duty Manual
23 from January 1, 2005 to the present.
24 (c) Implementation, modification and oversight of policies, procedures and
25

1 customs of the San Jose Police Department (SJPD) regarding detention and
2 arrest as set forth in section L2800, et seq. of the 2007 SJPD Duty Manual,
3 including but not limited to arrests without a warrant at a private dwelling
4 (L2819), warrantless arrests of others in private dwellings (L2820), obtaining
5 an emergency warrant (L2823) from January 1, 2005 to the present.
6

7 (d) Implementation, modification and oversight of policies, procedures and
8 customs of the San Jose Police Department (SJPD) regarding
9 warrants/subpoenas/court orders – obtaining and serving search warrants as
10 set forth in section L3800, et seq. of the 2007 SJPD Duty Manual from
11 January 1, 2005 to the present.
12

13 (e) Implementation, modification and oversight of policies, procedures and
14 customs of the San Jose Police Department (SJPD) regarding search and
15 seizure as set forth in section L4800, et seq. of the 2007 SJPD Duty Manual
16 from January 1, 2005 to the present.
17

18 (f) Implementation, modification and oversight of policies, procedures and
19 customs of the San Jose Police Department (SJPD) regarding warrantless
20 searches as set forth in section L4900, et seq. of the 2007 SJPD Duty Manual
21 from January 1, 2005 to the present.
22

23 (g) Implementation, modification and oversight of policies, procedures and
24 customs of the San Jose Police Department (SJPD) regarding plain-view
25 seizures as set forth in section L5000, et seq. of the 2007 SJPD Duty Manual
26 from January 1, 2005 to the present.
27

28 (h) Implementation, modification and oversight of policies, procedures and

1 customs of the San Jose Police Department (SJPD) regarding cursory searches
2 as set forth in section L5100, et seq. of the 2007 SJPD Duty Manual from
3 January 1, 2005 to the present.

4 (i) Implementation, modification and oversight of policies, procedures and
5 customs of the San Jose Police Department (SJPD) regarding warrantless
6 searches and seizure of vehicles as set forth in section L5200, et seq. of the
7 2007 SJPD Duty Manual from January 1, 2005 to the present.

8 (j) Implementation, modification and oversight of policies, procedures and
9 customs of the San Jose Police Department (SJPD) regarding interagency
10 coordination – court procedures as set forth in section L1600, et seq. of the
11 2007 SJPD Duty Manual, including but not limited to, reporting whether
12 evidence was suppressed at court hearings as a result of an improper search
13 and/or seizure, and the procedures for tracking the results of court cases where
14 officers testify from January 1, 2005 to the present.

15 Defendants do not waive any right to object to this deposition, other than timeliness
16 which is waived.

17 4. Defendants shall have until May 14 to complete the deposition of Alexander
18 Arizmendi.

19 5. Plaintiffs shall have until May 14, 2010 to provide defendants with the answers to the
20 deposition question the guardian of Baby Arizmendi did not answer in accordance
21 with the Court Order (Docket No. 96), by either a continued deposition, or by written
22 answers under oath, either of which shall include the authorized ordered to be
23 provided by the Court.

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6. The due date for expert reports shall be extended to June 1, 2010.

7. Expert depositions shall be completed by June 15, 2010.

DATED: **THE LAW FIRM OF KALLIS & ASSOCIATES, P.C.**

By: _____ /s/
M. JEFFERY KALLIS, attorneys for
**Plaintiffs THERESE ARIZMENDI and
BABY ARIZMENDI**

DATED: **BUSTAMANTE, O'HARA & GAGLIASSO, PC**

By: _____ /s/
ANDREW V. STEARNS
STEVEN M. BERKI, attorneys for
**Plaintiffs THERESE ARIZMENDI and
BABY ARIZMENDI**

DATED: **SAN JOSE CITY ATTORNEY'S OFFICE**

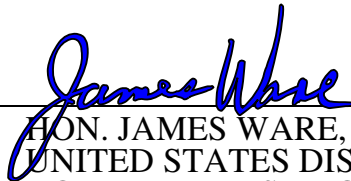
By: _____ /s/
MICHAEL DODSON, attorneys for
Defendants

IT IS SO ORDERED AS MODIFIED

All other deadlines shall remain unchanged. Defendants' Ex Parte Application re Modifying Scheduling Order is found as MOOT in light of the parties' stipulation.

DATED: May 5, 2010

By: _____



HON. JAMES WARE, JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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