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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 RABBIA ALHOZBUR,)	No. C 09-1576 JW
14 Plaintiff,)	STIPULATION AND [PROPOSED] ORDER CONTINUING DATES AND DEADLINES
15 v.)	
16 JOHN McHUGH, Secretary of the Army,)	
17 Defendant.)	

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19 Under the current scheduling order for this case, expert disclosures and reports are due
 20 August 2, 2010, rebuttal expert disclosures and reports are due August 16, 2010, and the fact and
 21 expert discovery cutoff is October 4, 2010. This case is scheduled for a preliminary pretrial
 22 conference on Monday, September 13, 2010. The last day for hearing on dispositive motions is
 23 December 6, 2010. No trial date has been set.

24 The parties previously stipulated to a continuance of the expert disclosure deadlines due
 25 to a dispute between the parties relating to whether plaintiff should participate in a second round
 26 of psychological testing with an interpreter. On July 13, 2010, Magistrate Judge Howard Lloyd
 27 ordered plaintiff to participate in the testing within 30 days. The parties have scheduled that
 28 testing, with an interpreter, for August 4, 2010.

1 On July 15, 2010, defendant's counsel asked plaintiff's counsel if plaintiff would agree to
2 a Rule 35 interview by defendant's vocational rehabilitation expert, Carol Hyland. Plaintiff
3 refused. After further meet and confer efforts failed to resolve the issue, defendant's counsel
4 stated that she would file a motion to compel for hearing on August 31, 2010. Plaintiff has
5 agreed to a continuance of expert and other deadlines to allow defendant to bring the discovery
6 motion, which was filed on July 27, 2010.

7 In order to allow defendant to bring a motion seeking an order for plaintiff to participate
8 in an interview with defendant's vocational rehabilitation expert prior to the expert disclosure
9 deadline, the parties hereby STIPULATE AND REQUEST that the below-listed dates and
10 deadlines be extended as follows:

11 Expert disclosure: October 1, 2010

12 Rebuttal expert disclosure: October 15, 2010

13 Preliminary Pretrial Conference: November 15, 2010

14 Discovery cutoff (fact and expert): December 6, 2010

15 Last day motion hearing: February 28, 2011

16 Respectfully submitted,

17 JOSEPH P. RUSSONIELLO
18 United States Attorney

19 /s/ Claire T. Cormier

19 Dated: July 28, 2010

20 CLAIRE T. CORMIER¹
21 Assistant United States Attorney

22 BROWNSTEIN THOMAS LLP

23 /s/ Mark C. Thomas

23 Dated: July 28, 2010

24 MARK C. THOMAS
25 Attorney for Plaintiff

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27 ¹ I, Claire T. Cormier, hereby attest that I have on file all holographic signatures for any
28 signatures indicated by a "conformed" signature (/s/) within this e-filed document.

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that the dates and deadlines for the following case events are continued as indicated.

The new deadlines will be:

Expert disclosure: October 1, 2010

Rebuttal expert disclosure: October 15, 2010

Preliminary Pretrial Conference: November 15, 2010

Discovery cutoff (fact and expert): December 6, 2010

Last day motion hearing: February 28, 2011

IT IS SO ORDERED.

Dated: August 11, 2010



JAMES WARE
UNITED STATES DISTRICT COURT JUDGE