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 12 CITY OF SAN JOSE and SON VU

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE FACILITY

16 MERCEDES MARKER,
 17 Plaintiff,
 18 v.
 19 CITY OF SAN JOSE and SON VU,
 20 Defendants.

NO.: C09-05956 RMW

**PARTIES' STIPULATION AND
~~PROPOSED~~ ORDER TO SHORTEN
 TIME FOR HEARING DEFENDANTS'
 MOTION TO EXTEND TIME FOR
 EXPERT DISCLOSURE AND EXPERT
 DISCOVERY**

21 **STIPULATION**

22 Defendants CITY OF SAN JOSE and SON VU, and Plaintiff MERCEDES MARKER
 23 (collectively the "Parties"), hereby agree and stipulate as follows:

24 Whereas, the trial of this case is set to begin on June 17, 2013;

25 Whereas, Defendants will be moving to extend time for expert disclosure and
 26 expert discovery solely as to the Independent Medical Examiner who evaluated Plaintiff's
 27 claimed injury in this case (the "Motion");

28 Whereas, Plaintiff will be opposing the Motion;

Whereas, the Parties have met and conferred and have agreed to stipulate to a
 modified briefing schedule shortening time in light of the June 17, 2013 trial date;

1 Whereas, the Parties do not believe at this time that shortening the time for hearing
2 the Motion will impact the schedule for the case;

3 Therefore, the Parties hereby agree and stipulate as follows:

- 4 (1) Defendants will file the Motion on May 7, 2013;
5 (2) Plaintiff's opposition to the Motion will be filed on or before May 10, 2013;
6 (3) Defendants' reply in support of the Motion will be filed on or before May 14,
7 2013;
8 (4) The hearing on the Motion will take place on May 24, 2013 at 9:00 am, in
9 Courtroom 6, 4th Floor, before Judge Ronald M. Whyte.

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Respectfully submitted,

RICHARD DOYLE, City Attorney

Dated: May 7, 2013

By: 

RICHARD D. NORTH
Deputy City Attorney

Attorneys for CITY OF SAN JOSE
and SON VU

Respectfully submitted,

Law Office of Michael Millen

Dated: May 7, 2013

By: 

MICHAEL MILLEN

Attorney for MERCEDES MARKER

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ORDER

Having read and considered the Parties' Stipulation, and finding good cause for the relief requested therein, the court orders the following:

- (1) Defendants will file their motion to extend time for expert disclosure and expert discovery solely as to the Independent Medical Examiner who evaluated Plaintiff's injury in this case (the "Motion") on May 7, 2013;
- (2) Plaintiff's opposition to the Motion will be filed on or before May 10, 2013;
- (3) Defendants' reply in support of the Motion will be filed on or before May 14, 2013;
- (4) The hearing on the Motion will take place on May 24, 2013 at 9:00 am, in Courtroom 6, 4th Floor, before Judge Ronald M. Whyte.

Dated:



HON. RONALD M. WHYTE