

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

KATE WELLS, State Bar #107051
Attorney at Law
2600 Fresno Street
Santa Cruz, California 95062
Telephone: (831) 479-4475
Facsimile: (831) 479-4476
Email: lioness@got.net

Attorney for Plaintiff,
CAROLYN A. MITCHELL



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED CASE

CAROLYN A. MITCHELL,	)	NO. CV 10-03424 EJD
)	
Plaintiff,	)	STIPULATION AND REQUEST FOR
	)	ORDER TO CONTINUE THE
vs.	)	DEADLINE FOR EXPERT DISCOVERY;
	)	TO SET A FURTHER CASE
RICHARD ROCHA, and	)	MANAGEMENT CONFERENCE; AND
DOES 1-15,	)	FOR ASSIGNMENT TO THE
	)	MAGISTRATE FOR SETTLEMENT
Defendants.	)	CONFERENCE AND RESOLUTION
	)	OF DISCOVERY DISPUTES

On December 15, 2010, the Honorable Judge Ware issued the Scheduling Order in this case. The order provided as follows:

- July 29, 2011 - deadline for expert discovery.
- September 30, 2011 - deadline for all other discovery.
- August 29, 2011 - Preliminary Pretrial Conference.

No trial date has been set.

The case was reassigned to this court on April 25, 2011. The Reassignment Order vacated the August 29, 2011 date for the Preliminary Pretrial Conference, but left in place the discovery deadlines.

The parties participated in an Early Neutral Evaluation on June 21, 2011.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Discovery is ongoing and the parties are unable to meet the deadline for exchange of expert discovery in accordance with Fed.R.Civ.P. 26(a)(2)(B). As such, the parties agree and stipulate to an extension of the deadline for expert discovery from July 29, 2011, to September 30, 2011, and as such, hereby request an order thereon.

Additionally, the parties agree and stipulate that it would be expedient and beneficial to be assigned to a Magistrate Judge for purposes of a Settlement Conference and to resolve various discovery issues, and as such, hereby request an order thereon.

Finally, the parties agree and stipulate that it would be beneficial to meet with this court for an initial Case Management Conference for the purpose of setting a trial date and to discuss any other outstanding issues and as such, hereby request an order thereon.

IT IS SO STIPULATED.

LAW OFFICE OF KATE WELLS

Dated: July 27, 2011

/s/
Kate Wells
Attorney for Plaintiff Carolyn A. Mitchell

KAMALA D. HARRIS
Attorney General of California

Dated: July 27, 2011

By: _____
/s/
Harry T. Gower, III
Deputy Attorney General
Attorney for Defendant Richard Rocha

1 **ORDER**

2 Pursuant to a stipulation of the parties and good cause appearing therefor, it is
3 hereby ordered as follows:

4 That the deadline for exchange of expert witness discovery is extended from
5 July 29, 2011, to September 30, 2011;

6 The Case is referred to Magistrate Judge Howard R. Lloyd for a Settlement Conference.
7 On or before **August 5, 2011**, the parties shall contact Judge Lloyd's Courtroom Deputy
8 to schedule the conference. All discovery issues are referred to Judge Lloyd and should be brought
9 to the Judge Lloyd's attention pursuant to his standing orders.

10 The Court set's a Case Management Conference before Judge Davila on **October 28,**
11 **2011 at 10:00 AM** in Courtroom 1, 5th Floor. On or before **October 21, 2011**, the parties shall file
12 an updated joint case management conference statement that updates the Court on this case should
13 proceed.

14 IT IS SO ORDERED AS MODIFIED.

15 Dated: August 2, 2011

16 
17 _____
18 THE HONORABLE EDWARD J. DAVILA
19 UNITED STATES DISTRICT COURT JUDGE
20
21
22
23
24
25
26
27
28