

1 MELINDA HAAG (CSBN 132612)  
 United States Attorney  
 2 ALEX G. TSE (CSBN 152348)  
 Chief, Civil Division  
 3 CLAIRE T. CORMIER (CSBN 154364)  
 Assistant United States Attorney

4 150 Almaden Boulevard, Suite 900  
 5 San Jose, California 95113  
 Telephone: (408) 535-5082  
 6 Facsimile: (408) 535-5081  
 Email: claire.cormier@usdoj.gov

7 Attorneys for Federal Defendant

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION  
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|  |   |  |
|--|---|--|
| 13 NATHANIEL HOSEA,                    | ) | No. C 11-02892 EJD                         |
|  | ) |  |
| 14 Plaintiff,                          | ) | <b>STIPULATION AND <del>PROPOSED</del></b> |
|  | ) | <b>ORDER CONTINUING TRIAL AND</b>          |
| 15 v.                                  | ) | <b>PRETRIAL DATES AND DEADLINES</b>        |
|  | ) | <b>AS MODIFIED BY THE COURT</b>            |
| 16 MICHAEL B. DONLEY, Secretary of the | ) |  |
| 17 Department of the Air Force,        | ) |  |
|  | ) |  |
| 18 Defendant                           | ) |  |

19  
20 The parties to this action hereby stipulate and request as follows:

21 On July 11, 2012, the Court issued a Pretrial Order, setting various dates and deadlines,  
 22 including an amended expert discovery cutoff of November 15, 2012, a final pretrial conference  
 23 on January 18, 2013, and a trial commencing on February 4, 2013. The Court advised that this  
 24 was the “final case schedule” and that “Both Plaintiff and Defendant are expected to comply as  
 25 directed above. This schedule will not be amended further absent the presentation of good cause  
 26 necessitating such an amendment.” The parties hereby seek extensions to these Court-ordered  
 27 dates.

28  
 STIPULATION CONTINUING TRIAL AND PRETRIAL DATES; ~~PROPOSED~~ ORDER  
 Case No. C11-02892 EJD

1 Prior to the deadline of October 15, 2012, Plaintiff served a document indicating that he  
2 was designating his treating psychiatrist, Catherine Reed, M.D., as an expert witness in this  
3 case. After conferring with Dr. Reed's office on October 15, 2012, defendant's counsel began  
4 conferring with Mr. Hosea regarding obtaining a signed authorization allowing Dr. Reed to  
5 provide documents and testimony regarding Mr. Hosea's psychiatric care. Dr. Reed's office  
6 had indicated that either a signed authorization or a court order would be required before the  
7 deposition could be scheduled. After conferring with Mr. Hosea from October 16 through  
8 October 26, 2012, about the authorization form and a possible protective order, Mr. Hosea  
9 advised that a motion to compel would be necessary.

10 Defendant filed a motion to compel on November 7, 2012. After receiving the motion,  
11 Mr. Hosea reconsidered and agreed to sign the authorization and stipulated protective order. He  
12 emailed signed versions of those documents to defendant's counsel on the afternoon of Friday,  
13 November 9, 2012.

14 On the next business day, November 13, 2012, defendant's counsel contacted Dr.  
15 Reed's office to attempt to schedule the deposition and to prepare the paperwork to allow for  
16 payment for Dr. Reed's deposition time. Defendant's counsel also contacted Plaintiff and  
17 asked if he would stipulate to extend the expert discovery deadline to December 20, 2012.  
18 After discussion, he agreed. The parties therefore STIPULATE AND REQUEST that the  
19 expert discovery deadline be extended to December 20, 2012.

20 Defendant's counsel also noted that, as currently scheduled, defendant's summary  
21 judgment motion will be heard on the same date as the final pretrial conference. In order to  
22 allow for the parties to have the benefit of the Court's decision on summary judgment before  
23 preparation of pretrial papers, the parties hereby STIPULATE AND REQUEST that the dates  
24 for the pretrial conference and the trial, currently scheduled for January 18, 2013 and February  
25 4, 2013, respectively, be continued approximately four weeks or to another date convenient to  
26 the Court.

1 IT IS SO STIPULATED.

2 Respectfully submitted,

3 /s/ Nathaniel Hosea

4 DATED: November 13, 2012

5 NATHANIEL HOSEA<sup>1</sup>  
6 Plaintiff

7 DATED: November 13, 2012

8 MELINDA HAAG  
9 United States Attorney

10 /s/ Claire T. Cormier

11 CLAIRE T. CORMIER  
12 Assistant United States Attorney

13 **~~PROPOSED~~ ORDER**

14 Pursuant to stipulation and good cause appearing, IT IS HEREBY ORDERED that  
15 deadline for expert discovery in this case is continued to December 20, 2012.  
16 The request to continue the Pretrial Conference and trial dates is DENIED. Those  
17 dates remain as scheduled. Pursuant to Civil Local Rule 7-1(b), the court finds  
18 Defendant's motion for summary judgment (Docket Item No. 111) suitable for decision  
19 without oral argument. Accordingly, the motion hearing scheduled for January 18,  
20 2013, is VACATED and the motion submitted for decision. The court will issue a  
21 written order based on the pleadings.

22 IT IS SO ORDERED.

23 DATED: November 15, 2012

24   
25 Edward J. Davila  
26 United States District Judge

27  
28 <sup>1</sup> I, Claire T. Cormier, hereby attest that Mr. Hosea has authorized me to electronically sign this document on his behalf.