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12				
13	IN THE UNITED STATES DISTRICT COURT			
14	FOR THE NORTHERN DISTRICT OF CALIFORNIA			
15	SAN JOSE DIVISION			
16				
17	DAVID COLE & ZENOBIA COLE,	C 12-02086 EJD		
18	Plaintiff,	STIPULATION AND (PROPOSED)		
19	v.	ORDER CONTINUING:		
20	**	1. FACT DISCOVERY CUT-OFF; AND 2. RELATED DEADLINES		
21	STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONAL SAFETY, et al.,	[Civil Local Rules 6-2 and 7-12]		
22	Defendants.			
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	STIPULATION AND [PROPOSED] ORDER CONTINUING DISCOVERY CUT-OFF (C 12-02086 PSG)			

1	1. The parties request that the Fact Discovery Cut-Off, currently set for February 1 ,		
2	2013, be extended to May 1, 2013, and that all related deadlines be continued accordingly.		
3	STIPULATION		
4	Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs David and Zenobia Cole and		
5	Defendants Office of Correctional Safety, by and through their respective counsel, stipulate and		
6	request as follows:		
7	1. WHEREAS, on October 29, 2012 the Court issued a Case Management Order		
8	(Docket No. 20), setting the Fact Discovery Cut-Off for February 1, 2013;		
9	2. WHEREAS, Plaintiffs are still in the process of serving various Defendants named		
10	in the amended complaint;		
11	3. WHEREAS, the parties plan to engage in ADR once the Defendants named in the		
12	amended complaint have been served;		
13	4. WHEREAS, with respect to Civil L.R. 6-2(a)(1), the parties have conferred		
14	regarding particular reasons an extension of the deadline is mutually-agreeable, including that the		
15	parties plan to conduct discovery once the Defendants have been served;		
16	5. WHEREAS, with respect to Civil L.R. 6-2(a)(2), there have been no previous time		
17	modifications in this action; and		
18	6. WHEREAS, with respect to Civil L.R. 6-2(a)(3), a three-month continuance of the		
19	Fact Discovery Cut-Off and related deadlines will likely delay the case and trial accordingly, but		
20	due to the circumstances cannot reasonably be avoided;		
21	NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that the Cour		
22	continue the Fact Discovery Cut-Off to May 1, 2011 and continue all related deadlines as		
23	follows:		
24	May 22 2012 Lost day to complete armost discovery		
25	May 22, 2013 Last day to complete expert discovery.		
26	June 1, 2013 Last Day for hearing on dispositive motions.		
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1	The parties further request that the Court vacate the Preliminary Pretrial Conference,			
2	currently set for February 1, 2013 at 11:00 a.m., and schedule a Case Management Conference.			
3	E-FILING ATTESTATION			
4	By his signature below, and pursuant to General Order 45, counsel for Defendant attests			
5	that counsel for all parties whose electronic signatures appear below have concurred in the filing			
6	of this Stipulation.			
7	D / 1 J 10 2012 D / / T / J / K D :			
8	Dated: January 18, 2013 By: <u>/s/ Todd K. Davis</u> FARLING, HECHT & DAVIS LLP Attorneys for Plaintiffs David Cole and Zenobia			
10	Cole			
11	Dated: January 18, 2013 By: /s/ Michael J. Quinn			
12	Attorneys for Defendants Office of Correctional Safety			
13	ORDER			
14				
15	PURSUANT TO STIPULATION, IT IS SO ORDERED subject to the following additional orders: (1) all defendants shall be served with process on or before February 5, 2013, or shall be dismissed from this action; (2) the court schedules this action for a status conference on			
16				
17	March 1, 2013, at 10:00 a.m. The parties shall file a Joint Status Conference statement on a before February 22, 2013, which provides, inter alia, an update as to the progress of the case; (3) the Preliminary Pretrial Conference scheduled for February 1, 2013, is continued to June 28, 2013, at 11:00 a.m. The parties shall file an updated Joint Preliminary Pretrial			
18 19				
20	Conference Statement on or before June 18, 2013. IT IS SO ORDERED.			
21	DATED: January 24, 2013			
22	EDWARD J. DAVILA United States District Judge			
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	2 STIPULATION AND [PROPOSED] ORDER CONTINUING DISCOVERY CUT-OFF (C 12-02086 PSG)			