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THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

THOMAS McCARTHY, <i>et al.</i> ,)	NO. C09 5120
)	
Plaintiffs,)	
v.)	STIPULATION AND PROPOSED
)	ORDER FOR EXTENSION OF
JAMES BARRETT, <i>et al.</i>)	PRETRIAL AND TRIAL DEADLINES
)	
Defendants.)	

In order to permit Plaintiffs sufficient time to review documents relating to surveillance of Plaintiffs and their activities during times relevant to the claims in this lawsuit, which were first disclosed by Defendants on Wednesday, September 22, 2010, and to allow sufficient time for Plaintiffs to take discovery into the scope and nature of the surveillance conducted by Defendants and their officers, employees or agents, including the continued deposition of Detective Chris Adamson, who served as the Supervisor for the Tacoma/Pierce County Regional Intelligence Group during the period of time relevant to the claims in this lawsuit and who will be unavailable between September 20 and October 10, and the depositions of undercover officers who conducted surveillance or monitoring of Plaintiffs' activities, including Manuela Loth and others yet to be identified, and to give Plaintiffs' potential experts the ability to review that discovery, the parties, through their undersigned counsel of record, respectfully submit this

Stipulation and Proposed Order for Extension of
Pretrial and Trial Deadlines - 1
CO9 5120-RBL

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION
901 Fifth Avenue, Suite 630
Seattle, Washington 98164
(206) 624-2184

1 stipulation and proposed order seeking the following modification of dates in the Minute Order
2 Setting Trial, Pretrial Dates and Ordering Mediation, with all other pretrial deadlines to remain
3 the same:

4 1) Disclosure of expert opinions for all topics other than the surveillance of Plaintiffs
5 and their activities conducted by Defendants and their officers, employees or agents remains as
6 currently required under the case schedule - disclosure of primary expert opinions on October
7 1st, rebuttal experts 30 days later;

8 2) Completion of all fact discovery by November 15, 2010, as currently required under
9 the case schedule;

10 3) Depositions of experts on all topics other than the surveillance of Plaintiffs and their
11 activities conducted by Defendants and their officers, employees or agents by November 15,
12 2010, as currently required under the case schedule;

13 4) Disclosure of any expert opinions relating to the surveillance of Plaintiffs and their
14 activities conducted by Defendants and their officers, employees or agents by November 30,
15 2010;

16 5) Disclosure of rebuttal expert opinions relating to the surveillance of Plaintiffs and
17 their activities conducted by Defendants and their officers, employees or agents, if any, by
18 December 30, 2010;

19 6) Depositions of any experts rendering opinions on the surveillance of Plaintiffs and
20 their activities conducted by Defendants and their officers, employees or agents in January 2011;

21 7) Continuance of the deadline for filing dispositive motions to February 15, 2011; and
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1 8) Continuance of the trial date to a date convenient for the Court and consistent with
2 the deadline for the filing of dispositive motions. Counsel note unavailability due to trial
3 schedules and personal commitments on the following dates: Nathan Alexander, counsel for
4 Plaintiffs, will be unavailable April 11, 2010 through May 11, 2010 and Scott Johnson, counsel
5 for Plaintiffs, will be unavailable April 5, 2010 through April 9, 2011 and June 9 through June
6 14, 2011. Jean Homan, Counsel for Defendants, will be unavailable on March 24, 2011 through
7 April 6, 2011; April 18, 2011 through April 29, 2011 and from the end of July to beginning of
8 August.
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13 DATED this 1st day of October, 2010,
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17 By: /s/ M. Rose Spidell
18 M. Rose Spidell, WSBA #36038
19 ACLU of Washington Foundation
20 **Attorney for Plaintiffs**

21 /s/ Jean P. Homan
22 Jean P. Homan, WSBA #27084
23 Tacoma City Attorney's Office
24 747 Market Street, Suite 1120
25 Tacoma, WA 98402
Telephone: (253) 591-5885
Facsimile: (253) 591-5755
Attorney for Defendant City of Tacoma

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3 Based on the foregoing stipulation, the Minute Order Setting Trial, Pretrial Dates and Ordering
4 Mediation is modified as follows:

5 1) Disclosure of expert opinions for all topics other than the surveillance of Plaintiffs
6 and their activities conducted by Defendants and their officers, employees or agents remains as
7 currently required under the case schedule - disclosure of primary expert opinions on October
8 1st, rebuttal experts 30 days later;

9
10 2) Completion of all fact discovery by November 15, 2010, as currently required under
11 the case schedule;

12 3) Depositions of experts on all topics other than the surveillance of Plaintiffs and their
13 activities conducted by Defendants and their officers, employees or agents by November 15,
14 2010, as currently required under the case schedule;

15 4) Disclosure of any expert opinions relating to the surveillance of Plaintiffs and their
16 activities conducted by Defendants and their officers, employees or agents by November 30,
17 2010;

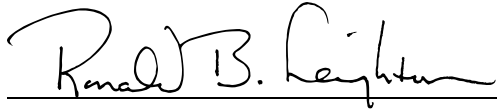
18 5) Disclosure of rebuttal expert opinions relating to the surveillance of Plaintiffs and
19 their activities conducted by Defendants and their officers, employees or agents, if any, by
20 December 30, 2010;

21 6) Depositions of any experts rendering opinions on the surveillance of Plaintiffs and
22 their activities conducted by Defendants and their officers, employees or agents in January 2011;

23 7) Continuance of the deadline for filing dispositive motions to February 15, 2011; and
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1 8) Continuance of the trial date to **November 8, 2011 @ 9:00 a.m.**

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3 DATED this 12th day of October, 2010

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE

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10 Presented by:

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12 By: /s/ M. Rose Spidell
13 M. Rose Spidell, WSBA #36038
14 ACLU of Washington Foundation
15 *Attorney for Plaintiffs*