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CITY OF BERKELEY
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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
16

17 UNITED STATES POSTAL SERVICE,
18 Plaintiff,
19 v.
20 CITY OF BERKELEY,
21 Defendant.

Case No. 3:16-cv-04815-WHA

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING CASE
MANAGEMENT ORDER**

The Hon. William Alsup

Trial Date: December 4, 2017

1 WHEREAS, on December 28, 2016, the Court entered a scheduling order in this
2 case setting September 29, 2017, as the cut-off for all non-expert discovery and October 5,
3 2017 as the last date to file dispositive motions;

4 WHEREAS, on August 24, 2017, the City filed a Motion for Protective Order to
5 prohibit depositions of City officials;

6 WHEREAS, on September 21, 2017, the Court entered a Minute Order vacating the
7 September 28, 2017 hearing date on the Motion for Protective Order and tentatively
8 rescheduling the motion hearing to October 11, 2017;

9 WHEREAS, the tentatively rescheduled hearing date on the Motion for Protective
10 Order falls after the cut-offs for non-expert discovery and for filing of dispositive motions;

11 WHEREAS, the Court's ruling on the Motion for Protective Order could affect
12 discovery and any dispositive motions;

13 WHEREAS, the Plaintiff USPS recently produced a large volume of documents to
14 the City;

15 WHEREAS, due to the large volume of documents produced, the City will need at
16 least several weeks to review the USPS documents;

17 WHEREAS, the need for additional time for document review and the extension of
18 pretrial deadlines will also necessitate a comparable continuance of the trial date; and

19 WHEREAS, the parties stipulate that there is good cause to extend all deadlines set
20 forth in the Court's existing scheduling order other than those related to expert witness
21 disclosures.

22 NOW, THEREFORE, the parties hereby agree and request that the Court order as
23 follows:

24 1. The non-expert discovery cutoff should be extended from September 29, 2017
25 to November 29, 2017.

26 2. The deadline for filing dispositive motions should be extended from October
27 5, 2017 to December 5, 2017.

28 3. The pretrial conference date should be extended from November 22, 2017 to

1 January 22, 2018.

2 4. The trial date should be extended from December 4, 2017 to February 5, 2018
3 or a date as soon thereafter as is available and convenient to the Court.

4 5. The remainder of the Case Management Order and Reference to Magistrate
5 Judge for Mediation/Settlement remains unaffected by this stipulation.

6 DATED: September 29, 2017 SHUTE, MIHALY & WEINBERGER LLP

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By: /s/ Andrew W. Schwartz

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ANDREW W. SCHWARTZ

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MATTHEW D. ZINN

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STEPHANIE L. SAFDI

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Attorneys for Defendant

CITY OF BERKELEY

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14 DATED: September 29, 2017

UNITED STATES DEPARTMENT OF JUSTICE
CIVIL DIVISION, FEDERAL PROGRAMS BRANCH

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Counsel for Plaintiff

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, and good cause appearing, IT IS HEREBY ORDERED

THAT:

1. The non-expert discovery cutoff is extended from September 29, 2017 to November ²²~~29~~, 2017.

2. The deadline for filing dispositive motions is extended from October 5, 2017 to ^{November 29}~~December 5~~, 2017.

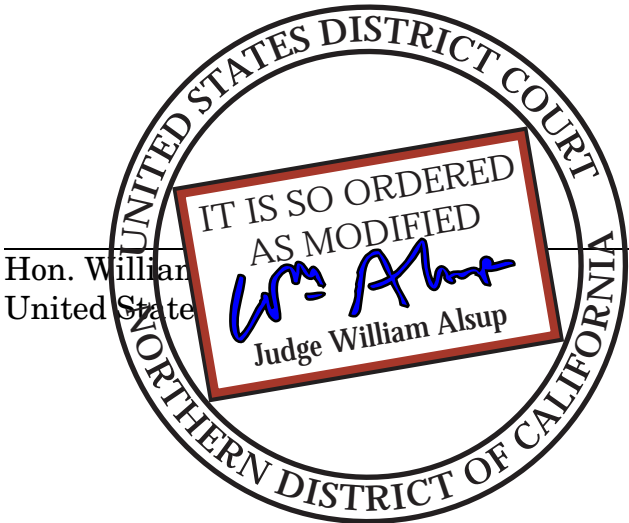
3. The pretrial conference date is extended from November 22, 2017 to January ¹⁷~~22~~, 2018.

4. The trial date is extended from December 4, 2017 to ^{January 29}~~February 5~~, 2018.

5. The remainder of the Case Management Order and Reference to Magistrate Judge for Mediation/Settlement entered on December 28, 2016 remains unaffected by this Order.

IT IS SO ORDERED.

DATED: October 3, 2017



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