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27 **UNITED STATES DISTRICT COURT**
28 **DISTRICT OF NORTHERN CALIFORNIA**

29 JANICE ALTMAN, et al.,
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31 Plaintiffs,
32
33 vs.
34 COUNTY OF ALAMEDA, CALIFORNIA, et al.,
35
36 Defendants.

37 Case No. 4:20-cv-02180-JST
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39 **STIPULATION AND PROPOSED**
40 **SCHEDULING ORDER**

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48 ¹Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, the current Public Health Officer for the County of Alameda has been automatically substituted as a defendant in place of his predecessor, Erica Pan. *See* Docket Entry No. 80.

1 Pursuant to this Court’s order at the Pretrial Conference held on February 16, 2021, Hon. Jon
2 S. Tigar presiding, plaintiffs Janice altman et al. (“Plaintiffs”) and defendants County of Alameda,
3 Gregory J. Ahern, and Nicolas Moss (“Defendants”), by and through their respective counsel of
4 record, hereby stipulate to and jointly propose the following pretrial and trial schedule for this Court’s
5 approval, through the proposed order which follows below.

6
7 **DISCOVERY**

8 **Fact/Percipient Witness Discovery Cutoff:** The last day to conduct fact/percipient witness
9 discovery, and the last day for the filing of any motions to compel related to fact/percipient witness
10 discovery, shall be August 31, 2021.

11 **Expert Disclosure and Report:** The parties shall exchange all expert witness disclosures and
12 reports required by FRCP 26(a)(2) by September 30, 2021 at 5:00 p.m.

13 **Rebuttal Expert Reports:** The parties shall exchange all rebuttal expert witness disclosures
14 and reports required by FRCP 26(a)(2)(D)(ii) by October 29, 2021 at 5:00 p.m.

15 If extensions of other modifications to this discovery schedule become necessary, the parties
16 shall meet and confer in an attempt to obtain a stipulation before asking the Court to modify these
17 discovery deadlines.

18
19 **DISPOSITIVE MOTIONS**

20 The parties anticipate that Defendants will file a motion for summary judgment and/or partial
21 summary judgment pursuant to FRCP 56 as to any of the Plaintiffs’ remaining claims against them.

22 Defendants’ motion and all supporting papers shall be filed and served on or before
23 November 30, 2021.

24 Plaintiffs’ opposition and all supporting opposition papers shall be filed and served no later
25 than 45 days after filing and service of the motion.

26 Defendants reply memorandum shall be filed and served no later than 20 days after filing and
27 service of the opposition.

28 If November 25 or December 25 falls during the time for preparation of the opposition and/or

1 reply memoranda, the time for filing and service of the relevant memorandum shall be extended by
2 seven days.

3 The parties request that the Court conduct a hearing on any dispositive motion filed pursuant
4 to this schedule two weeks after the reply memordandum is filed and served on a date and time that
5 suits the Court.

6
7 **PRETRIAL CONFERENCE AND TRIAL**

8 The final pretrial conference shall be held on Friday, May 6, 2022, at 2:00 p.m. in Courtroom
9 6, Second Floor, Oakland. All deadlines set forth in this Court’s STANDING ORDER FOR CIVIL BENCH
10 TRIALS shall apply.

11 A bench trial shall commence before this Court on Monday, May 23, 2022, at 8:30 a.m. in
12 Courtroom 6, Second Floor, Oakland. The parties anticipate that a bench trial will last between one
13 and three days.



15 The parties respectfully request that the Court approve of this stipulated schedule by entering
16 the proposed order set forth below.

17 Dated: February 23, 2021

SEILER EPSTEIN LLP

/s/ George M. Lee

George M. Lee

Attorneys for Plaintiffs

22 Dated: February 23, 2021

SHUTE, MIHALY & WEINBERGER LLP

/s/ Matthew D. Zinn

Matthew D. Zinn

*Attorneys for Defendants County of Alameda,
Gregory J. Ahern, and Nicholas Moss*

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ORDER

The above parties having stipulated, and good cause appearing, the Court hereby orders that the parties' discovery, dispositive motions, pretrial conference and trial schedules as set forth above are hereby adopted and ordered.

The final pretrial conference shall be held on Friday, May 6, 2022, at 2:00 p.m. in Courtroom 6, Second Floor, Oakland. All deadlines set forth in this Court's STANDING ORDER FOR CIVIL BENCH TRIALS shall apply.

A bench trial shall commence before this Court on Monday, May 23, 2022, at 8:30 a.m. in Courtroom 6, Second Floor, Oakland.

SO ORDERED.

Dated: _____

HON. JON S. TIGAR
UNITED STATES DISTRICT JUDGE