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6 Attorneys for Defendants CITY OF FRESNO; JERRY DYER; ROBERT NEVAREZ;
JOHN ROMO; GREG GARNER; ANTHONY MARTINEZ

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 JAMES LEWIS,
11
12 Plaintiff,

13 v.

14 CITY OF FRESNO; JERRY DYER;
ROBERT NEVAREZ; JOHN ROMO;
15 GREG GARNER; ANTHONY MARTINEZ,
and DOES 1 through 10, inclusive,
16 Defendants.

)
) Case No. 1:08-CV-01062-OWW-SKO
) Consolidated action

)
) STIPULATION TO CONTINUE
) SETTLEMENT CONFERENCE;
) AND ORDER THEREON

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19 IT IS HEREBY STIPULATED AND AGREED, by and between the parties,
20 through their respective counsel of record, as follows:

21 1. The current settlement conference scheduled before Magistrate Judge
22 Sheila Oberto is set for March 29, 2011.

23 2. Unfortunately, the parties continue to be active in discovery, which efforts
24 have been complicated over the last 120 days due to both Plaintiff and Defense
25 counsels' trial schedules. Active discovery which has been pursued, and which is
26 scheduled to be completed in the near future, include voluminous written discovery and
27 the production of in excess of 20,000 pages of documents, plus the following
28 depositions:

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<u>DEPONENT</u>	<u>DATE</u>
Ret. Deputy Chief Roger Enmark	10/28/10
Capt. Greg Garner	12/9/10
Sgt. John Romo	12/10/10
Lt. Anthony Martinez	12/10/10
Police Officer Brian Phelps	12/10/10
Deputy Chief Patrick Farmer	12/10/10
Sgt. Kirk Pool	12/20/10
Police Officer Jason Jones	12/20/10
Sgt. John Chandler	12/20/10
Chief Jerry Dyer	1/20/11
Sgt. James Lewis	3/14/11
Police Officer Ron Manning	3/16/11
Sgt. Mindy Casto	3/17/11
Police Officer Gerald Miller	3/18/11
Sgt. George Wilson	3/22/11
Matasha Manning	3/22/11
Ret. Sgt. Garry Snow	3/23/11
Jacky Parks (FPOA)	3/24/11
John Conlee (FPOA)	3/24/11
Ret. Sgt. Neil Manha	3/28/11
Ret. Sgt. James Watson	3/28/11
Sanford Thomas (percipient)	3/29/11
Cadet Jonathon Pierro	3/31/11
Police Officer Tony Bustos	4/18/11
Chief Jerry Dyer (cont'd)	4/18/11
Deputy Chief Robert Nevarez	4/20/11
Deputy Chief Sharon Shaffer	4/20/11
Police Officer Brett Vestal	5/10/11

3. Additionally, the parties are in the process of meeting and conferring to

1 address issues relating to the designation of experts.

2 4. As a consequence, counsel for both parties do not believe that a
3 constructive dialogue can occur regarding the potential settlement of this case until the
4 presently scheduled discovery is completed.

5 5. Consequently we request a 90 day continuance of the Settlement
6 Conference, to a date no earlier than June 20, 2011.

7 Respectfully requested,

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9 Dated: March 22, 2011

BETTS & RUBIN

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By /s/ James B. Betts
James B. Betts
Attorneys for Defendants CITY OF FRESNO,
JERRY DYER, ROBERT NEVARES, JOHN
12 ROMO, GREG GARNER and ANTHONY
13 MARTINEZ
14

15 Dated: March 22, 2011

EMERSON, COREY, SORENSEN,
CHURCH & LIBKE

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By /s/ Rayma Church
Rayma Church
Attorneys for Plaintiff JAMES LEWIS

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ORDER

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22 IT IS SO ORDERED. The Settlement Conference shall be continued to July 12,
23 2011, at 10:30 a.m. before Magistrate Judge Sheila K. Oberto.

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IT IS SO ORDERED.

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Dated: March 23, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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