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Michael D. Daley

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL A. REDD, JR.,

Plaintiff,

vs.

MICHAEL D. DALEY,

Defendant.

No. C 98-20429 EMC

**JOINT STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

1 **JOINT STIPULATION**

2 Pursuant to Local Rule 6-2, Plaintiff Paul A. Redd, Jr. and Defendant Michael D. Daley, by and
3 through their respective counsel of record, hereby jointly stipulate and respectfully request the Court
4 enter an order as follows:

5 1. On April 7, 2014, the Court granted the motion of Frank Michael Washko to withdraw as
6 attorney of record for Plaintiff (ECF 216), and appointed Rishi N. Sharma and Peter A. Cooper of Paul
7 Hastings LLP as *pro bono* counsel for purposes of settlement, pre-trial filings, and trial (ECF 217). On
8 April 9, 2014, the Court set a case management conference for May 13, 2014. (ECF 218.)

9 2. The Parties respectfully request that the Court continue the case management conference
10 from May 13, 2014, to September 4, 2014, for the following reasons:

11 a. First, since the Court set the case management conference in this action, counsel
12 have learned that Plaintiff will be transferred from Pelican Bay State Prison in Crescent City, California,
13 to a state prison facility in Corcoran, California; however, for security reasons, the date of Plaintiff's
14 transfer has not been released. Because of the uncertainty surrounding the date of his transfer, as well as
15 the extensive case file in this action, counsel have been unable to complete their review of the case file
16 and communicate directly with Plaintiff regarding this action. Counsel for Plaintiff anticipate that they
17 will be able to complete their review of the case file and communicate directly with Plaintiff shortly
18 after the date of his transfer.

19 b. Second, Mr. Maiorino, counsel for Defendant, is on vacation until May 9, 2014.
20 Similarly, Mr. Sharma, counsel for Plaintiff, is scheduled to be on vacation from May 21, 2014, to
21 June 8, 2014.

22 c. Third, pursuant to Plaintiff's request in his March 17, 2014, motion for
23 appointment of *pro bono* counsel (ECF 215), counsel for the Parties anticipate seeking a further
24 settlement conference before Magistrate Judge Vadas. As the settlement conference must be set in
25 accordance with Magistrate Judge Vadas's schedule, the availability of prison facilities, and the
26 completion of Plaintiff's transfer to the state prison facility in Corcoran, California, counsel for the
27 Parties anticipate that it will take at least three months to seek and complete the further settlement
28 conference. Accordingly, the Parties request a continuance of the case management conference to

1 permit a further settlement conference.

2 3. Based on these reasons, the Parties' respectfully request that the Court continue the
3 May 13, 2014, case management conference to September 4, 2014, to allow Plaintiff's transfer to be
4 effected, to avoid counsel's vacation schedules, and to permit the parties to seek and complete a further
5 settlement conference before Magistrate Judge Vadas.

6 Dated: April 29, 2014

RISHI N. SHARMA
PETER A. COOPER
PAUL HASTINGS LLP

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9 By: /s/ Peter A. Cooper
Peter A. Cooper
Attorneys for Plaintiff Paul A. Redd, Jr.

10
11 Dated: April 29, 2014

TRACE O. MAIORINO
SHARON A. GARSKE
OFFICE OF THE ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA

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13
14 By: /s/ Sharon A. Garske
Sharon A. Garske
Attorneys for Defendant Michael D. Daley

ORDER

On the stipulation of the Parties, and good cause appearing therefor,

IT IS ORDERED that the May 13, 2014, case management conference in this action is continued to September 4, 2014, at 9:30 a.m. The case management statement is to be filed by August 28, 2014.

Dated: ~~May __, 2014~~ 4/29/14

