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6 Attorneys for Plaintiffs

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 10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

<p>12 SEAN FRANCIS McCLOSKEY, LAIALA          McCLOSKEY, and DM</p> <p>13          14 Plaintiffs,</p> <p>15 vs.</p> <p>16 M.E. COURTNIER and J. WHITE,          individually, and DOES 1-100</p> <p>17          18 Defendants.</p>	<p>Case No.: C 05-04641 MMC</p> <p>FURTHER STIPULATION AND  <del>PROPOSED</del> ORDER VACATING          EARLY NEUTRAL EVALUATION AND          CASE MANAGEMENT CONFERENCE          DATES</p>
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 22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,  
 23 through their respective counsel as follows:

24 1. On November 8, 2007, the Court granted the parties request to reset the date for  
 25 the completion of the Early Neutral Evaluation to January 31, 2008, due to plaintiff Sean  
 26 McCloskey's jury trial on November 9, 2007, in the underlying criminal case. At that same time,  
 27 the Court also continued the Case Management Conference to February 22, 2008.

1           2.       As of the date of the filing of this further stipulation and proposed order, plaintiff  
2 Sean McCloskey's criminal matter has been stayed pending the resolution of an Interlocutory  
3 Appeal filed by the District Attorney's office.

4           3.       Based upon the fact that McCloskey's criminal matter has been stayed pending  
5 appeal, there is still and further good cause for this Court to vacate the Early Neutral Evaluation  
6 and Case Management Conference dates in this case.

7           4.       In order to avoid setting further deadlines similar to those in the November 8,  
8 2007, Order, necessitating the parties seeking further extensions, and to avoid disrupting the  
9 Court's own calendar by continually resetting dates, the parties have agreed that all current dates  
10 and deadlines in this matter, per the Court's November 8, 2007, Order should be **vacated** and no  
11 new dates should be reset until following the outcome of the District Attorney's Interlocutory  
12 Appeal of McCloskey's criminal matter.

13          5.       The parties agree to jointly notify the Court, in writing, within 45 days of the date  
14 an order adjudicating the District Attorney's Interlocutory Appeal is filed. In that notice, the  
15 parties will also apprise the court of their need for future court dates and/or the services of the  
16 ADR program.

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18 Dated: January 30, 2008

**LAW OFFICES OF JOHN L. BURRIS**

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/s/

ADANTÉ D. POINTER, Esq.

Attorneys for Plaintiffs

SEAN FRANCIS McCLOSKEY, LAIALA

McCLOSKEY, and DM

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24 Dated: January 30, 2008

**STATE ATTORNEY GENERAL'S OFFICE**

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/s/

TOM BLAKE, Deputy Attorney General

Attorneys for Defendants

M.E. COURTNIER and J. WHITE

1 ORDER

2 PURSUANT TO THE FOREGOING STIPULATION, IT IS ORDERED THAT  
3 THE DATES CURRENTLY SET IN THIS MATTER ARE HEREBY VACATED PER THE  
4 GOOD CAUSE DEMONSTRATED BY THE PARTIES ABOVE. THE PARTIES ARE  
5 ORDERED TO JOINTLY PROVIDE THE COURT A STATUS UPDATE IN WRITING  
6 on May 1, 2008, and every three months thereafter.  
~~7 WITHIN 45 DAYS FROM THE FILING OF AND ORDER ADJUDICATING THE  
8 INTERLOCUTORY APPEAL IN THE PLAINTIFF'S UNDERLYING CRIMINAL MATTER.~~

9 Dated: February 1, 2008

10 By: Maxine M. Chesney  
11 Honorable Maxine M. Chesney  
12 United States District Court Judge  
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