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5 Attorneys for Plaintiffs
 6 **Sean Francis McCloskey,**
Laiala McCloskey and D.M

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 SEAN FRANCIS McCLOSKEY, et al.

12 Plaintiffs,

13 v.

14 SPIKE HELMICK, et al.

15 Defendants.

C05-04641 MMC

STIPULATION FOR AN ORDER
 MODIFYING THE CASE
 MANAGEMENT SCHEDULE TO
 CONTINUE THE TRIAL DATE
 AND RELATED PRETRIAL
 DEADLINES IN LIGHT OF
 PLAINTIFF'S PREGNANCY
 AND/OR MEDICAL EMERGENCY
AND ORDER THEREON

~~Trial Date: May 10, 2010~~

~~Time: 9:00 a.m.~~

Courtroom: 7, 19th Floor

21 TO THE HONORABLE COURT:

22 IT IS HEREBY STIPULATED by and between the parties to this action, by and
 23 through their respective counsel of record, and pursuant to all applicable statutes and
 24 rules, including but not limited to Federal Rules of Civil Procedure 16, 26, and 40 as
 25 follows:
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1 Plaintiffs' causes of action arise out of a traffic stop wherein Plaintiffs allege that
2 Defendants Courtner and White (hereinafter collectively "Defendants") violated their
3 federal and state civil rights by unlawfully using an excessive amount of force against
4 them. The parties have participated in two settlement conferences before Magistrate
5 Judge Larson. The matter did not resolve.
6

7 According to the Court's April 17, 2009, Pretrial Preparation Order the parties
8 must file their initial set of pretrial materials by April 13, 2010 and attend a Pretrial
9 Conference scheduled to take place on April 27, 2010. Jury trial is set to begin on
10 Monday, May 10, 2010.
11

12 However, it was recently brought to plaintiff counsel's attention that Plaintiff,
13 Laila McCloskey, Mr. McCloskey's wife, is pregnant. According to the Plaintiffs, Mrs.
14 McCloskey originally expected to deliver her baby at the end of May. Now, due to
15 unforeseen circumstances, specifically, the baby's development and position in the womb
16 Plaintiff's obstetrician recently advised Mrs. McCloskey that she may need to undergo a
17 caesarian section in order to safely deliver her child. To that end, Mrs. McCloskey's
18 obstetrician advanced Mrs. McCloskey's delivery date by two weeks, effectively placing
19 the delivery date at or about the jury trial start date. Mrs. McCloskey's condition limits
20 her ability to assist in preparation for trial, and is expected to do so for some time.
21

22 Defendants' counsel has recently become aware of a new Ninth Circuit opinion
23 issued twelve days ago, *Brooks v. City of Seattle*, ___ F.3d ___, 2010 WL 1135776, 10
24 Cal. Daily Op. Serv. 3779, C.A.9 (Wash.), March 26, 2010 (NO. 08-35526). The
25 defendants believe that the case is point and respectfully request an opportunity to bring a
26 dispositive motion on a date convenient to the Court during July or August 2010.
27
28

1 In light of the foregoing, the parties hereby stipulate and respectfully request that
2 the remaining deadlines, hearings and jury trial dates be vacated and continued to a date
3 convenient to the Court and the parties. The parties further request that the jury trial date
4 be continued to a date convenient to the Court on or after September 13, 2010.
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7

8 DATED: April 7, 2010

DATED: April 7, 2010

9 LAW OFFICES OF JOHN L. BURRIS

EDMUND G. BROWN JR.
ATTORNEY GENERAL OF CALIFORNIA

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11
12 /s/ Adante Pointer
ADANTE' D. POINTER
13 Attorneys for Plaintiffs

/s/ Tom Blake
TOM BLAKE, Deputy Attorney General
Attorneys for Defendants

ORDER

Good cause appearing, it is hereby ordered that the pretrial filing deadline of April 13, 2010, the Pretrial Conference scheduled to take place on April 27, 2010, and the Jury Trial date of May 10, 2010 are vacated. ~~It is further ordered that the following dates are~~

~~set:~~ A Status Conference is hereby SET for May 28, 2010, at 10:30 a.m. A Joint Status Conference Statement shall be filed no later than May 21, 2010.

~~Hearing on Dispositive Motion: Friday, July 30, 2010 at 9:00 a.m.~~

~~Final Pretrial Conference: Tuesday, August 31, 2010 at 3:00 p.m.~~

~~Jury Trial to be held: Monday, September 13, 2010 at 8:30 a.m.~~

IT IS SO ORDERED.

April 8, 2010
DATE _____


HONORABLE MAXINE M. CHESNEY
United States District Judge

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