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8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 KATHLEEN ESPINOSA, individually and as
 12 personal representative of the Estate of decedent
 13 ASA SULLIVAN; A.S., by and through his
 14 Guardian ad Litem, NICOLE GUERRA;

Case No. C 06 04686 JSW

STIPULATION AND ~~(PROPOSED)~~ ORDER CONTINUING TRIAL DATE

15 Plaintiffs,

Final Pre-Trial Conference Date: February 10,
 2014
 Time: 2:00 p.m.
 Courtroom 11, 19th Floor

vs.

16 CITY AND COUNTY OF SAN FRANCISCO,
 17 a municipal corporation; et al.,

Trial Date: March 10, 2014

18 Defendants.

Honorable Jeffrey S. White

STIPULATION

19 WHEREAS, the Final Pre-Trial Conference in this matter was previously set for November 4,
20 2013, and the trial was set to begin on December 2, 2013.

21 WHEREAS, the Court continued both the Final Pre-Trial Conference and Trial date on its
22 own motion on October 30, 2013, respectively to February 10, 2014 and March 10, 2014.

23 WHEREAS, Plaintiffs' counsel is already set for a lengthy (4 week) trial starting on March
 24 25, 2014, in the Eastern District of California Federal Court case Duenez, et al, v. City of Manteca, et
 25 al., case no. 2:11-cv-01820 LKK-KJN. Both of Plaintiffs' instant trial counsel, Benjamin Nisenbaum
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1 and John Burris are also the trial counsel in the Duenez matter. Judge Lawrence Karlton set the
2 March 25, 2014 trial date in Duenez on March 18, 2013, continuing it from an earlier date set of
3 January 22, 2014. Plaintiffs' counsel does not anticipate Judge Karlton would react favorably to any
4 further continuance of that trial.
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6 WHEREAS, Plaintiffs' trial counsel has a heavy trial calendar in 2014, including trials set as
7 follows, with the length and assessment of likelihood of the trial going forward. All cases are in
8 Federal Court, either in the Northern District or Eastern District of California:
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10 **Feb. 18th:** Abston v. City of Merced 1:09-cv-00511-MJS (E.D. Cal.) (2-3 weeks, already has
11 been through interlocutory appeal and subsequent settlement conference, likely to go).

12 **Feb. 24th:** Killian v. City of Monterey 5:12-cv-05418-PSG (N.D. Cal.) (1 week or so, cross
13 motions for summary judgment to be heard on Nov. 19th, likely to resolve after MSJ ruling).

14 **March 25th:** Duenez v. City of Manteca 2:11-cv-01820-LKK-KJN (E.D. Cal.) (4 weeks,
15 cross-motions for MSJ heard on Nov. 4th, with strong indication that neither side will win their
16 motion, settlement appears unlikely).

17 **May 5th:** Bryant v. Oakland Housing Authority 3:12-cv-02102-EMC (N.D. Cal.) (1 to 2
18 weeks trial, motions for summary judgment have not been filed yet, but resolution is likely).

19 **May 8th:** Blueford v. City of Oakland 3:12-cv-03791-WHO (N.D. Cal.) (2-3 weeks trial,
20 MSJ's not filed yet, uncertain whether it will go)
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22 **June 9th:** Earl Brown v. City and County of San Francisco et al 3:11-cv-02162-LB (N.D.
23 Cal.) (2 weeks trial, very likely to go)
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25 **June 9th:** (John Burris' trial) Bryson, Jr., et al. v. BARTD, et al. 3:09-cv-04835-EMC (N.D.
26 Cal.) (almost certain to go. This case is set to last through July 25th. This is the companion case to
27
28

1 Oscar Grant, the case for the other men detained on the platform, has already been through
2 interlocutory appeals).

3
4 **September 5th:** Pervoe v. County of Alameda 3:12-cv-04286-JST (N.D. Cal.) (too early to
5 tell yet if it will go, the plaintiff died and put the case in limbo for awhile. Plaintiffs' counsel will try
6 to move this case to accommodate a September trial date in the instant-matter should the case not
7 resolve).

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10 **September 29th:** Ramirez v. City and County of San Francisco 4:12-cv-06383-DMR (N.D.
11 Cal.) (a short trial, can be moved if necessary).

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13 **October 27th:** Harvey v. City of Antioch 3:13-cv-01610-RS Consolidated Case (N.D. Cal.)
14 (2-3 week trial, likely to go, but too early to tell for sure).

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16 **December 1st:** Garrett v. City of Vallejo 2:05-cv-00387-MCE-DAD (E.D. Cal.) (2 week trial,
17 though settlement is very likely.)

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19 WHEREAS, Defendants' position is as follows: (1) the current March 10, 2014 trial date is
20 acceptable to Defendants; (2) Defendants are not available for trial in August 2014 due to counsel's
21 planned vacation; (3) trial dates of September 2, 8, or 15, 2014 would work for Defendants; however,
22 starting trial after September 15 would not work for Defendants because one of the defendants is not
23 available for trial October 22-November 18, 2014 due to a planned vacation.
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1 WHEREFORE, the parties respectfully request that the Court continue the re-set trial date
2 from March 10, 2014 to the next mutually available trial date for counsel, which should be September
3 2, 2014.
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5 IT IS SO STIPULATED.
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7 Dated: November 14, 2013
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Respectfully submitted,

LAW OFFICES OF JOHN L. BURRIS

9 /s/ Benjamin Nisenbaum
10 _____

Benjamin Nisenbaum
Attorney for Plaintiffs

11 Dated: November 14, 2013
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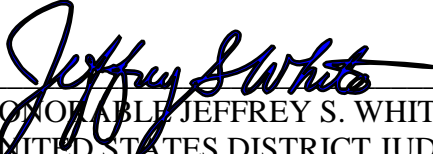
San Francisco City Attorney's Office

13 /s/
14 _____
15 Peter J. Keith, Deputy City Attorney
16 Attorney for Defendants

17 **~~(PROPOSED)~~ ORDER**
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19 GOOD CAUSE SHOWN, the Court hereby grants the parties' stipulation to continue the trial
20 date of this action to September ⁸2, 2014.
21

22 Dated: December 2, 2013
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25 _____
26 HONORABLE JEFFREY S. WHITE
27 UNITED STATES DISTRICT JUDGE
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