

1 DAVID PRIEBE (Bar No. 148679)
david.priebe@dlapiper.com
 2 TIMOTHY LOHSE (Bar No. 177230)
timothy.lohse@dlapiper.com
 3 MARC BELLOLI (Bar No. 244290)
marc.belloli@dlapiper.com

4 DLA PIPER LLP (US)
 5 2000 University Avenue
 East Palo Alto, CA 94303-2215
 6 Tel: 650.833.2000
 Fax: 650.833.2001
 7 Attorneys for Plaintiff
 GORDON SIMPSON

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

13 GORDON SIMPSON,
 14 Plaintiff,
 15 v.
 16 OFFICERS A. McNACK, et al.
 17 Defendants.

CASE NO. C-06-4837 EMC

**STIPULATION AND [PROPOSED] ORDER
 EXTENDING TIME TO MOVE AND/OR
 APPLY FOR ATTORNEYS' FEES AND
 COSTS**

Hon. Edward M. Chen

1 Pursuant to Civil Local Rule 6-2(a), Plaintiff Mr. Gordon Simpson (“Mr. Simpson”) and
2 Defendant Officer Nguyen submit this Stipulation to continue all deadlines for motions and/or
3 applications for attorneys’ fees and costs under Federal Rule of Civil Procedure 54, 42 U.S.C. §
4 1983 and any other applicable rule or statute. Specifically, the parties request an order continuing
5 the deadline for all motions seeking attorneys’ fees or costs until twenty-one (21) days after the
6 resolution of Officer Nguyen’s motion for qualified immunity and motion for judgment as a
7 matter of law.

8 Good cause exists for extending the time to move or apply for attorneys’ fees and costs. If
9 Officer Nguyen prevails on either of his post-trial motions, briefing on fees and costs would in all
10 likelihood be unnecessary and moot. Moreover, continuing all deadlines to apply or move for
11 attorneys’ fees and costs would avoid the potential situation where Mr. Simpson would have to
12 file two separate motions for fees and costs – one on May 28, 2010 (the current deadline for such
13 motions) and one following the resolution of Officer Nguyen’s post-trial motions. The parties
14 submit that briefing attorneys’ fees and costs twice would result in the unnecessary consumption
15 of the parties’ resources and the Court’s resources, particularly when substantive post-trial
16 motions have yet to be decided. Accordingly, the parties respectfully request that the Court issue
17 an Order continuing all deadlines for motions and applications for attorneys’ fees and costs until
18 twenty-one (21) day after the resolution of Officer Nguyen’s post-trial motions.

19 No prior time modifications in this Action have affected the dates for moving or applying
20 for attorneys’ fees and cost. Moreover, the effect of the Stipulation will either have no impact on
21 the case schedule (if briefing on attorneys’ fees and costs becomes unnecessary), or, at worst,
22 result in a minimal delay of the resolution of this matter (if *all* briefing on fees and costs occurs
23 after the resolution of Officer Nguyen’s post-trial motions). The Declaration required by Civil
24 Local Rule 6-3(a) is attached hereto as Exhibit A. An order regarding the extension of time to
25 move or apply for attorneys’ fees and costs is set forth below.

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Dated: May 25, 2010

Respectfully submitted,
DLA PIPER LLP (US)

By /s/ Marc Belloli
MARC BELLOLI
Attorneys for Plaintiff GORDON SIMPSON

Dated: May 25, 2010

CLAPP, MORONEY, BELLAGAMBA,
VUCINICH, BEEMAN and SCHELEY

By /s/ Jeffrey M. Vucinich
JEFFREY M. VUCINICH
Attorneys for Defendants
CITY OF HAYWARD; HAYWARD POLICE
DEPARTMENT; SGT. STANLEY; OFFICER
NGUYEN; OFFICER CERRUTI; OFFICER
WAYBRIGHT

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ATTESTATION

I, Marc Belloli, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that Jeffrey Vucinich has read and approved the filing of this Stipulation. I will maintain an executed copy of this stipulation in our files that can be made available for inspection upon request.

Dated: May 25, 2010

DLA PIPER LLP (US)

By /s/ Marc Belloli
MARC BELLOLI
Attorneys for Plaintiff GORDON SIMPSON

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[PROPOSED] ORDER

All deadlines for motions and/or applications for attorneys fees and costs under Federal Rule of Civil Procedure 54, 42 U.S.C. § 1983 and any other applicable rule or statute are continued until twenty-one (21) days following the resolution of Officer Nguyen’s defense of qualified immunity and Officer Nguyen’s motion for judgment as a matter of law.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: 5/27/10

By _____

