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13 CITY OF RICHMOND

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 KEVIN MARTIN,
17 Plaintiff,
18 vs.
19 CITY OF RICHMOND,
20 Defendant.

Case No.: C-06-6146 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
VACATING THE PARTIES' JANUARY 12,
2010 MANDATORY SETTLEMENT
CONFERENCE**

Complaint Filed: September 29, 2006
Trial Date: Not Set

21 Plaintiff Kevin Martin ("Plaintiff") and Defendant City of Richmond ("City"), through
22 their respective counsel, hereby stipulate and agree as follows:

23 WHEREAS, on April 21, 2009, the Court issued a Case Management and Settlement
24 Conference Order scheduling deadlines by which the parties must complete discovery, bring
25 dispositive motions, and stipulate to conditional collective action certification. The order also
26 required the parties to appear for a mandatory settlement conference with Magistrate Judge
27 Spero on October 26, 2009.

28 WHEREAS, on two separate occasions, the parties have continued, with court approval,
the dates set forth in the April 21, 2009 Case Management and Settlement Conference Order.
The continuances were based, in part, on the ground that the parties were actively participating in
informal settlement discussions in an effort to resolve this matter in its entirety, without the need

1 for Court involvement.

2 WHEREAS, on July 31, 2009, the Clerk of the Court issued a notice rescheduling the
3 parties' October 26, 2009 mandatory settlement conference with Judge Spero to January 12,
4 2010.

5 WHEREAS, on October 21, 2009, the parties submitted a stipulation and proposed order
6 requesting that the deadlines scheduled in this matter for completing discovery and bringing
7 dispositive motions be vacated in light of the progress being made by the parties in their informal
8 settlement discussions. The Court approved the stipulation and proposed order on October 22,
9 2009. The order requires the parties to appear for a case management conference on January 8,
10 2010 and provides that if the parties are unable to reach agreement on the terms of a settlement
11 by that time, that the Court then order them to participate in a subsequent settlement conference
12 with Judge Spero in order to mediate any outstanding matters preventing settlement.

13 WHEREAS, since receiving the Court's October 22, 2009 order, the parties have made
14 significant progress in their informal settlement discussions. Counsel for the parties believe they
15 are extraordinarily close to reaching an agreement in principal on an overall settlement, but are
16 still negotiating specific terms. Moreover, once this process is completed, they will require
17 additional time in order to present the settlement to their respective clients for final approval.

18 WHEREAS, counsel for the parties are confident that they can reach a tentative
19 agreement on all settlement terms prior to the January 8, 2010 case management conference.
20 Counsel for the parties will then recommend to their respective clients that they formally agree to
21 the terms of the tentative settlement agreement. Accordingly, counsel for the parties do not
22 believe a January 12, 2010 settlement conference would be either necessary or helpful at this
23 juncture.

24 NOW THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

- 25 1. That the January 12, 2009 mandatory settlement conference be vacated from the
26 Court's calendar.
- 27 2. That the Court evaluate the need for a mandatory settlement conference when the
28 parties appear at the January 8, 2010 case management conference.

