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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
MODIFYING CASE MANAGEMENT AND
SETTLEMENT CONFERENCE ORDER**

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.

26 WHEREAS, on June 22, 2009, the parties entered into a stipulation conditionally
27 certifying this action as a collective action for purposes of discovery and trial. Under the
28 stipulation, the parties agreed that this action should proceed on a representative basis and further
agreed to randomly select representative plaintiffs by July 17, 2009.

WHEREAS, on July 15, 2009, the parties randomly selected representative plaintiffs for
each subgroup identified in Plaintiff’s First Amended Complaint.

1 WHEREAS, the stipulation to proceed as a collective action authorizes the City to
2 propound all discovery mechanisms upon each of the 16 representative plaintiffs, and authorizes
3 Plaintiff to depose up to 10 defense witnesses in addition to any expert or 30(b)(6) witnesses
4 designated by the City.

5 WHEREAS, on July 30, 2009, the Court approved the parties' stipulation and proposed
6 order modifying the Case Management and Settlement Conference Order previously entered on
7 April 21, 2009. That Order essentially provided the parties with an additional two months in
8 order to complete discovery and bring dispositive motions.

9 WHEREAS, to date, the parties have completed a significant portion of the discovery
10 contemplated in their conditional collective action certification stipulation. However, due to
11 factors outside of their control (stemming mainly from issues involving witness availability), the
12 parties will require an additional month in order to complete discovery and, if necessary, prepare
13 dispositive motions. Such an extension will also allow the parties to continue their informal
14 settlement discussions and, hopefully, resolve this matter, before the filing of any dispositive
15 motions.

16 THEREFORE, THE PARTIES STIPULATE AND AGREE THAT THE COURT'S
17 CASE MANAGEMENT AND SETTLEMENT CONFERENCE ORDER BE MODIFIED
18 ACCORDINGLY:

19 1. The September 25, 2009 discovery deadline shall be continued until October 23,
20 2009.

21 2. The October 23, 2009 deadline for the parties to file dispositive motions shall be
22 continued until November 20, 2009.

23 3. The December 4, 2009 deadline for hearing dispositive motions shall be
24 continued until January 8, 2010.

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IT IS SO STIPULATED.

Dated: September 18, 2009

RENNE SLOAN HOLTZMAN SAKAI LLP

By: /s/ Steve Cikes

Steve Cikes
Attorney for Defendant City of Richmond

Dated: September 18, 2009

RAINS LUCIA STERN, PC

By: /s/ Peter Hoffmann

Peter Hoffmann
Attorney for Plaintiff Kevin Martin

IT IS SO ORDERED.

Dated: Sept. 21 , 2009

The Honorable Charles R. Breyer
UNITED STATES DISTRICT COURT JUDGE

