

1 Kimberly E. Colwell, Esq. (SBN: 127604)  
 2 [kcolwell@meyersnave.com](mailto:kcolwell@meyersnave.com)  
 3 Tricia L. Hynes, Esq. (SBN: 212550)  
 4 [thynes@meyersnave.com](mailto:thynes@meyersnave.com)  
 5 MEYERS, NAVE, RIBACK, SILVER & WILSON  
 6 555 12<sup>th</sup> Street, Suite 1500  
 7 Oakland, CA 94607  
 8 Telephone: (510) 808-2000  
 9 Facsimile: (510) 444-1108

10 Attorneys for Defendants  
 11 OFFICER RON CARLINO, OFFICER SEAN CURMI,  
 12 OFFICER ANTHONY BORDIGON and OFFICER JASON FUKUSHIMA

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 NELSON GONZALES,  
 16  
 17 Plaintiff,  
 18  
 19 v.  
 20 MICHAEL NOVOSEL, R. CARLINO, S.  
 21 CURMI, A. BORDIGON, J. FUKUSHIMA and  
 22 DOES 1-25, inclusive,  
 23  
 24 Defendants.

Case No: C07-04720 CRB (JL)

**PLAINTIFF NELSON GONZALES AND  
 DEFENDANTS NOVOSEL, CARLINO,  
 BORDIGON, CURMI AND  
 FUKUSHIMA'S STIPULATION AND  
~~Proposed~~ ORDER SETTING SUMMARY  
 JUDGMENT BRIEFING SCHEDULE**

Complaint filed: September 13, 2007  
 Trial Date: October 20, 2008

1 Comes now PLAINTIFF NELSON GONZALES (hereinafter "PLAINTIFF") and  
2 DEFENDANTS M. NOVOSEL, R. CARLINO, S. CURMI, A. BORDIGON, J. FUKUSHIMA  
3 (hereinafter "DEFENDANTS") who submit the following Stipulated Briefing Schedule and Proposed  
4 Order:

5 WHEREAS the parties have been diligently attempting to complete the deposition of the  
6 plaintiff, but due to his poor health only two hours have as of yet been completed;

7 WHEREAS the DEFENDANTS will be moving for summary judgment upon completion of  
8 the plaintiff's deposition or as ordered by the Court, whichever is sooner;

9 WHEREAS the Plaintiff will also re-file his partial summary judgment;

10 WHEREAS at the last Case Management Conference the Court indicated that it would hear  
11 the DEFENDANTS' summary judgment and Plaintiff's partial summary judgment motions on a time  
12 shortened basis;

13 WHEREAS trial is currently set for October 20, 2008; and

14 WHEREAS the DEFENDANTS and the Plaintiff have agreed to the following briefing  
15 schedule:

16 1. DEFENDANTS' moving papers and Plaintiff's partial summary judgment motion will  
17 be filed no later than **Friday, September 12;**

18 2. Both Defendants' and Plaintiff's opposing papers will be filed no later than **Friday,**  
19 **September 19;**

20 3. Both Defendants' and Plaintiff's reply papers will be filed no later than **Wednesday,**  
21 **September 24;**

22 4. The hearing for both Defendants' and Plaintiff's motions will be set for **Friday,**  
23 **October 10, 10:00 a.m.,** Courtroom 8, 19<sup>th</sup> Floor.

24  
25 **IT IS SO STIPULATED.**

26 DATE: September 3, 2008

27 \_\_\_\_\_  
/S/ John Houston Scott

28 John Houston Scott, Esq.  
Attorney for PLAINTIFF  
Nelson Gonzales

[Signatures continue on following page]

1 DATE: September 3, 2008

\_\_\_\_\_  
/S/ Randolph Daar

Randolph Daar, Esq.  
Attorney for PLAINTIFF  
Nelson Gonzales

4 DATE: September 3, 2008

\_\_\_\_\_  
/S/ John Devine

John Devine, Esq.  
Attorney for DEFENDANT  
Michael Novosel

8 DATE: September 3, 2008

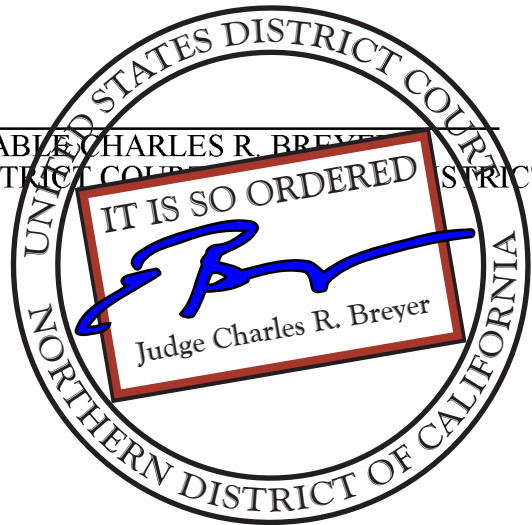
\_\_\_\_\_  
/S/ Tricia L. Hynes

Tricia L. Hynes, Esq.  
Attorney for DEFENDANTS  
Officer Ron Carlino, Officer Sean Curmi,  
Officer Anthony Bordigon and Officer Jason  
Fukushima

13 PURSUANT TO STIPULATION, IT IS SO ORDERED

15 Dated: September 4, 2008

\_\_\_\_\_  
HONORABLE CHARLES R. BREYER  
U. S. DISTRICT COURT



22 1144197.1