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 10 JANA OVERBO and
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19 Attorneys for Defendants
 20 LOEWS CALIFORNIA THEATRES, INC.,
 21 AMC MULTI-CINEMA, INC., and
 22 WESTFIELD, LLC

23 UNITED STATES DISTRICT COURT
 24 NORTHERN DISTRICT OF CALIFORNIA

25 JANA OVERBO and
 26 NICOLE BROWN-BOOKER,
 27
 28 Plaintiffs,

CASE NO. C07-05368 MHP
Civil Rights

v.

**JOINT STIPULATION and
~~PROPOSED~~ ORDER TO EXTEND
 MEDIATION DEADLINE**

20 LOEWS CALIFORNIA
 21 THEATRES, INC. dba AMC
 22 LOEWS METREON 16 IMAX;
 23 WESTFIELD CORPORATION;
 24 and DOES 1-10, Inclusive,

Defendants.

25 _____ /
 26 Plaintiffs JANA OVERBO and NICOLE BROWN-BOOKER and
 27 defendants LOEWS CALIFORNIA THEATRES, INC. dba AMC LOEWS
 28 METREON 16 IMAX; and WESTFIELD CORPORATION, hereby jointly

1 stipulate and request through their attorneys of record that the Court continue the
2 current mediation deadline for 90 days to allow settlement discussions and
3 mediation to occur through December 8, 2008

4
5 Good cause exists for the extension:

6 1. The parties have diligently followed General Order 56: the parties
7 conducted two cooperative site inspections of the Metreon Theatre on January 28,
8 2008 and April 15, 2008, plaintiffs shared their access consultant's report with
9 defendants regarding injunctive relief, and the parties have engaged in settlement
10 discussions both with and without mediator Jeff Ross.

11 2. Although the parties have been proceeding in good faith and in a diligent
12 manner, it has not been possible yet to resolve all the injunctive relief issues
13 because defendants' expert has not had a full opportunity to review the access
14 consultant's report. As a result defendants have not responded to plaintiffs'
15 injunctive relief demand.

16 3. To avoid even the appearance of a conflict of interest between plaintiffs
17 and the public interest, or their counsel, it is the policy of plaintiffs' counsel not to
18 discuss monetary damages and attorney fees in settlement negotiations before
19 injunctive relief is finalized among the parties. This approach is also required by
20 General Order 56.

21 4. Accordingly, as injunctive relief has not yet been finalized in this case, it
22 would be premature to hold a mediation before the parties have had an
23 opportunity to discuss settlement in detail.

24 5. All the parties and the mediator, Jeff Ross, are in agreement that in order to
25 continue meaningful injunctive relief and settlement discussions the mediation
26 deadline should be extended.

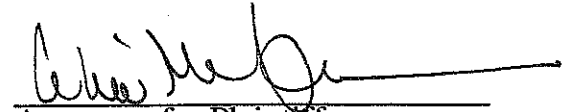
27 6. The parties believe that this extension will make settlement much more
28 likely; if the parties were required to hold mediation now settlement would not be

1 possible, and the resulting increase in attorney fees and costs would make it less
2 likely that the case would settle.

3 7. Therefore, the parties request that they be given through December 8,
4 2008 to continue negotiating toward settlement with the assistance of mediator
5 Jeff Ross in an attempt to resolve this case in its entirety. If the parties are unable
6 to settle the case by December 8, 2008, but all parties and the mediator feel that
7 further mediation sessions would be productive, the parties will submit a further
8 stipulation to extend the mediation deadline again.

9
10 Dated: September 24, 2008

PAUL L. REIN
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14 Attorneys for Plaintiffs
JANA OVERBO and
NICOLE BROWN-BOOKER

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16
17 Dated: September 22, 2008

M. BRETT BURNS, Esq.
HUNTON & WILLIAMS, LLP



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20 Attorneys for Defendants
LOEWS CALIFORNIA THEATRES, INC.,
21 AMC MULTI-CINEMA, INC., and
WESTFIELD, LLC

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23 Good cause having been shown, the parties stipulation and request to
24 extend the mediation deadline to December 8, 2008 is hereby granted.

25 IT IS SO ORDERED.

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27 Dated: September 25, 2008

