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12 Attorneys for Defendant COUNTY OF ALAMEDA

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 SHAWNA WILKINS-JONES,
 16 Plaintiff,

CASE NO. C08-01485 MHP
Civil Rights

17 v.

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE FURTHER CASE
 MANAGEMENT CONFERENCE**

18 COUNTY OF ALAMEDA, and DOES
 19 1-10, Inclusive,
 20 Defendants.
 21 _____/

Date: March 30, 2009
 Time: 3:00 pm
 Judge: Hon. Marilyn Hall Patel
 Place: U.S. District Court
 450 Golden Gate
 San Francisco, CA

22
 23 The parties request a brief continuance of the currently scheduled Further Case
 24 Management Conference for the following good cause:

- 25 1. The Court has ordered that the parties hold a settlement conference before
 26 Magistrate Judge James Larson prior to holding a Further Case Management Conference.
 27 2. The parties had set a settlement conference for March 10, 2009. However,
 28 plaintiff has not received her report on the access barriers from her expert, and he will be

1 unable to provide that report for approximately three weeks. Plaintiff's expert Barry Atwood
2 has been ill, has had to move to a new office, and has lost his support-staff employee, all of
3 which has made it impossible for him to complete the report in the timeframe that he originally
4 planned. (See concurrently filed Declaration of Barry Atwood). The plaintiff will not be in a
5 position to make an injunctive relief demand or negotiate any aspect of this case without her
6 expert report.

7 3. Plaintiff's counsel has notified defendant's counsel of the delay, and has notified
8 Judge Larson's chambers of the delay, and neither Judge Larson nor defense counsel has any
9 objection to continuing the settlement conference. The earliest available dates that Judge
10 Larson has on his calendar for a settlement conference are in late June and July of 2009, by
11 which time plaintiff anticipates having an expert report.

12 4. Holding a further case management conference at this time, requiring a meet and
13 confer of counsel, preparation of an Updated Joint Case Management Statement, and an
14 appearance of all counsel, without anything substantive to report to the court, would be a waste
15 of the court's time and resources, and would increase the attorney fees in the litigation and
16 make the case less likely to settle.

17 5. A continuance of the Further Case Management Conference will not prejudice
18 any party, as there are no pending pre-trial or trial dates. Formal discovery is currently stayed
19 so extending the deadlines will not increase the cost of the litigation.

20 Accordingly, all parties request that the Further Case Management Conference currently
21 scheduled for March 30, 2009, be continued until after July 2009, with an Updated Joint Case
22 Management Statement to be filed no later than one week ahead of the Conference date. The
23 parties further request that the current deadline for holding a settlement conference be
24 continued to July 31, 2009.

25
26 Dated: February 26, 2009

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/s/ Julie Ostil
Attorneys for Plaintiff
SHAWNA WILKINS-JONES

Dated: March 3, 2009

DIANE GRAYDON
DEPUTY COUNTY COUNSEL
COUNTY OF ALAMEDA

/s/ Diane Graydon
Attorneys for Defendant
COUNTY OF ALAMEDA

~~**PROPOSED**~~ ORDER

Pursuant to stipulation, and for good cause shown, it is hereby ORDERED that the Further Case Management Conference currently set for March 30, 2009 is continued to 8/31, 2009, with an Updated Case Management Conference Statement to be filed no later than 8/24, 2009. The parties' deadline for holding a settlement conference with Judge Larson is continued to July 30, 2009.

Dated: 3/9/2009

