

1 ANTONIO L. CORTÉS
 2 Attorney at Law
 3 Bar No. 142356
 4 528 Wisteria Way
 5 San Rafael, California 94903
 6 Tel: 415-256-1911
 7 Fax: 415-256-1919
 8
 9 Attorney for Plaintiff
 10 Marjory Anderson

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISCTRICK OF CALIFORNIA

10	MARJORY ANDERSON,)	CASE NO. CV08-2354 VRW
11)	
12	Plaintiff,)	STIPULATED JOINT REQUEST
13)	FOR CONTINUANCE;
14	v.)	[PROPOSED] ORDER
15)	
16	TAMALPAIS COMMUNITY)	
17	SERVICES DISTRICT, <i>et al.</i> ,)	
18)	
19)	
20	Defendants)	
21)	
22)	

17 The undersigned counsel jointly request this honorable Court to continue,
 18 until April 1, 2009, at 2:30 pm, the oral arguments for Defendants' Motions to Strike and
 19 Motions to Dismiss, currently set for January 21, 2010 at 2:30 pm, and to allow them until
 20 March 2, 2010 to complete Early Neutral Evaluation ("ENE").

22 Good cause for the requested continuance exists in the following
 23 circumstances: (1) at the October 15, 2009 Case Management Conference, the Court set a
 24 deadline of December 24, 2009 before which the parties must complete ENE, informed
 25 counsel that they would be contacted by the ADR office to initiate the ENE process, and set
 26 a January 21, 2010 motion hearing date for further oral argument on Defendants' Motions to

27 ANTONIO L. CORTÉS
 28 528 WISTERIA WAY
 SAN RAFAEL, CA 94903
 (415) 256-1911
 FAX: (415) 256-1919

1 Dismiss and Strike; (2) counsel were not contacted by the ADR office to initiate the ENE
2 process; (3) accordingly, on December 8, 2009, Plaintiffs' counsel contacted the ADR office
3 ask it to take whatever steps were necessary to initiate ENE proceedings; (4) Plaintiffs'
4 Counsel was informed by the ADR Office that it was unaware that the Court had Ordered
5 ENE, and that it could not arrange for ENE to occur by the ordered deadline; (5) this case
6 was then referred to Early Neutral Evaluation later that date; (6) a Neutral was not
7 appointed until December 14, 2009; (7) Counsel were first contacted by the Neutral on
8 December 18, 2009; (8) the Neutral and counsel held the initial conference call to schedule
9 the ENE on December 23, 2009; (9) the earliest date available for all concerned to attend
10 the ENE is March 2, 2010, and that date has been scheduled for ENE; and (10) the Parties
11 continue to desire completion of ENE some weeks prior to the oral arguments now set for
12 January 21, 2010, as previously ordered by the Court, so that they can attempt to resolve the
13 case prior to the Court's holding that hearing.

14
15
16 Accordingly, the parties jointly request the Court: (1) to allow them until
17 March 2, 2010 to complete ENE, and (2) to re-set oral arguments on Defendants' motions to
18 dismiss for 2:30 on April 1, 2010, or as soon thereafter as is convenient for the Court.

19 DATED: December 23, 2009

20
21 _____/s/_____
22 Antonio L. Cortes,
23 Counsel for Plaintiff

24 DATED: December 23, 2009

25 MCCORMACK, BARSTOW, SHEPPARD
26 WAYTE & CARUTH LLP

27 _____/s/_____
28 James P. Wagoner, Esq.
Counsel for Special District Risk Management
Authority

ANTONIO L. CORTÉS
528 WISTERIA WAY
SAN RAFAEL, CA 94903
(415) 256-1911
FAX: (415) 256-1919

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: December 23, 2009

BERTRAND, FOX & ELLIOT

_____/s/_____
Eugene B. Elliot, Esq.,
Counsel for Jon Elam and Tamalpais
Community Services District

DATED: December 23, 2009

LERCH STURMER LLP

_____/s/_____
Debra Steel Sturmer, Esq.,
Counsel for Pearce and Frankman and Millen
Griffith

Attorney Attestation

Pursuant to General Order 45, I attest that I obtained the concurrence of the
other signatories to this e-filed document before filing it.

DATED: December 23, 2009

_____/s/_____
Antonio L. Cortes

~~PROPOSED~~ ORDER

The foregoing parties having requested a continuance of completion of Early
Neutral Evaluation until March 2, 2010, and a continuance of the January 21, 2010 hearing
of Defendants' Motions to Dismiss and Motions to Strike until April 1, 2010, and good
cause appearing therefor, it is hereby

ANTONIO L. CORTÉS
528 WISTERIA WAY
SAN RAFAEL, CA 94903
(415) 256-1911
FAX: (415) 256-1919

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDERED, that (1) the parties shall complete Early Neutral Evaluation no later than March 2, 2010; and (2) a hearing of all pending Motions filed by Defendants shall be set for hearing April 1, 2010, at 2:30 pm.

SO ORDERED

Date: 12/28/2009



ANTONIO L. CORTÉS
528 WISTERIA WAY
SAN RAFAEL, CA 94903
(415) 256-1911
FAX: (415) 256-1919