

1 MAUREEN E. MCCLAIN (State Bar No. 062050)
 Email: mcclain@kmm.com
 2 CHARLES L. THOMPSON IV (State Bar No. 139927)
 Email: thompson@kmm.com
 3 KAUFF MCCLAIN & MCGUIRE LLP
 One Post Street, Suite 2600
 4 San Francisco, California 94104
 Telephone: (415) 421-3111
 5 Facsimile: (415) 421-0938

6 Attorneys for Defendant
 CITY OF SANTA ROSA
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 JAMES A. MITCHEL,
 12 Plaintiff,
 13 v.
 14 CITY OF SANTA ROSA, and DOES 1
 through 50, inclusive,
 15 Defendants.
 16

CASE NO. C 08-02698 SI
**STIPULATION AND [PROPOSED]
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE
 AND RELATED DATES**

COMPLAINT FILED: May 22, 2008
TRIAL DATE: No date set.

17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 On May 11, 2008, Plaintiff James A. Mitchel filed a complaint in Superior
2 Court of California, County of Sonoma, against Defendant City of Santa Rosa. The
3 complaint alleged various claims, including (1) breach of duty of confidentiality; (2)
4 violation of California Constitution (privacy); (3) violation of 42 U.S.C. § 1983 (right to
5 privacy); (4) violation of 42 U.S.C. § 1983 (due process); (5) conspiracy to violate civil
6 rights under § 1983 (due process); (6) conspiracy to violate civil rights under § 1983
7 (privacy); (7) negligent infliction of emotional distress; (8) intentional infliction of
8 emotional distress; (9) intentional interference with prospective economic advantage;
9 (10) municipal liability; and (11) gender discrimination.

10 Defendant removed the matter to federal court. On June 11, 2008,
11 Defendant filed a Special Motion to Strike pursuant to California's anti-SLAPP (Strategic
12 Lawsuit Against Public Participation) statute, California Code Civ. Proc. § 425.16. Also
13 on June 11, 2008, Defendant filed a Motion to Dismiss pursuant to Federal Rule of Civil
14 Procedure 12(b)(6).

15 On August 22, 2008, The Court heard argument on the Special Motion to
16 Strike and Motion to Dismiss. The Court took the motions under advisement and has not
17 as of the date of this Stipulation and [Proposed Order] ruled on said motions.

18 A Case Management Conference in this matter has been set for October 3,
19 2008. Relatedly, the parties must complete their FRCP 26(f) conference no later than
20 September 12, 2008, and also select an ADR process.

21 Because Defendant's Special Motion to Strike and Motion to Dismiss are
22 under submission, the parties will not be able to meaningfully prepare a Case
23 Management Conference Statement. Nor will they be able to meaningfully develop initial
24 disclosures pursuant to FRCP 26 or participate in Alternative Dispute Resolution.

25 Good cause appearing therefore, IT IS HEREBY STIPULATED by and
26 between Plaintiff and Defendant through their designated counsel that the Case
27 Management Conference scheduled for October 3, 2008, be continued to November 14,
28 2008, or to a date otherwise convenient to the court, and that all related dates also be

1 continued, including dates for FRCP 26 disclosures and selecting and participating in
2 ADR.

3
4 DATED: September 12, 2008 KAUFF MCCLAIN & MCGUIRE LLP

5
6 By: _____ / S /
7 CHARLES L. THOMPSON IV

8 Attorneys for Defendant
CITY OF SANTA ROSA

9 DATED: September 12, 2008 PERRY, JOHNSON, ANDERSON, MILLER
10 & MOSKOWITZ, LLP

11
12 By: _____ / S /
13 SCOTT A. LEWIS

14 Attorney for Plaintiff
JAMES A. MITCHEL

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

16
17 DATED: 9/15/08 _____

18 Wm. Alsup for
19 _____
20 SUSAN ILLSTON
21 United States District Judge

22 4835-8542-5411.1