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16 Attorneys for Defendant  
 CITY OF RICHMOND

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 18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**  
 20 **SAN FRANCISCO DIVISION**

21 JAMES JENKINS, SHAWN PICKETT, AND  
 ARNOLD THREETS,

22 Plaintiffs,

23 v.

24 CITY OF RICHMOND, a California  
 Governmental Entity,

25 Defendant.  
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CASE NO. C 08-03401 MHP

**JOINT STIPULATION SETTING  
 BRIEFING SCHEDULE FOR HEARING  
 ON CITY'S MOTION TO DISMISS AND  
 CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE TO  
 NOVEMBER 17, 2008; PROPOSED  
 REVISED CASE MANAGEMENT  
 SCHEDULE AND ORDER**

[Civil L. R. 6-1, 7-12, 16-2(d),(e).]

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 28 C 08-03401 MHP

JOINT STIPULATION SETTING BRIEFING SCHEDULE FOR HEARING ON CITY'S MOTION TO DISMISS  
 AND CONTINUING INITIAL CASE MANAGEMENT CONFERENCE TO NOVEMBER 17, 2008; PROPOSED  
 REVISED CASE MANAGEMENT SCHEDULE AND ORDER

1 Plaintiffs James Jenkins, Shawn Pickett and Arnold Threats ("Plaintiffs") commenced this  
2 federal lawsuit on July 15, 2008;

3 Defendant City of Richmond ("City") was served with a summons and Complaint on or  
4 about August 11, 2008;

5 By stipulation of the parties, the date for defendant City to file a responsive pleading was  
6 continued to September 22, 2008 (which did not affect this Court's Order Setting Initial Case  
7 Management Conference and ADR Deadlines);

8 On September 17, 2008, the City served a Notice of Pendency of Other Action or  
9 Proceeding to notify the Court of a related case entitled *Booker, et al. v. City of Richmond, et al.*  
10 pending in Contra Costa County Superior Court;

11 On September 18, 2008, this Court granted the City leave to file a Motion to Dismiss before  
12 the initial Case Management Conference currently scheduled for October 20, 2008;

13 If the City files and serves and notices a Motion to Dismiss between now and next Monday,  
14 September 22, 2008 (in accordance with the parties' stipulation) the earliest date the Motion can be  
15 heard – based upon the requirements for noticed motions (Civil L.R. 7-2) and the Court's law and  
16 motion calendar – is November 17, 2008, which is a date after the currently scheduled initial Case  
17 Management;

18 To ensure a fruitful and productive Case Management Conference, and to promote judicial  
19 economy and the convenience of the parties and the Court, the parties have met and conferred and  
20 agreed to a briefing schedule for the City's Motion to Dismiss to be noticed for hearing on  
21 November 17, 2008; to continue the initial Case Management Conference to November 17, 2008;  
22 and to a proposed, revised Case Management schedule.

### 23 STIPULATION

24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
25 referenced action, through their respective counsel, and subject to the Court's approval, as follows:

26 1. The City's Motion to Dismiss will be scheduled for hearing on November 17, 2008  
27 at 2:00 PM in Courtroom 15, 18th Floor;

28 2. With respect to the City's Motion to Dismiss, and in accordance with Civil L.R. 7-2  
and 7-3, the briefing schedule for said Motion is as follows:

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- a. Moving papers to be filed by October 10, 2008;
- b. Opposition papers to be filed by October 27, 2008;
- c. Reply papers to be filed by November 3, 2008;


3. The initial Case Management Conference, currently scheduled for October 20, 2008, will be continued to November 17, 2008 at 4:00 PM in Courtroom 15, 18th Floor;

4. The revised case management schedule will be as follows:

Date	Event	Governing Rule
10/24/2008	Last day to:	
	<ul style="list-style-type: none"> <li>• Meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan;</li> </ul>	Fed. R. Civ. P. 26 (f) & ADR L.R. 3-5
	<ul style="list-style-type: none"> <li>• File ADR Certification signed by Parties and Counsel (form available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a>)</li> </ul>	Civil L.R. 16-8 (b) & ADR L.R. 3-5 (b)
	<ul style="list-style-type: none"> <li>• File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (form available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a>)</li> </ul>	Civil L.R. 16-8 (b) & ADR L.R. 3-5 (b)
11/10/2008	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a> )	Civil L.R. 16-8 (c) & ADR L.R. 3-5 (b) & (c)
11/17/2008	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Ctrm 15, 18th Floor, SF at 4:00 P.M.	Civil L.R. 16-10

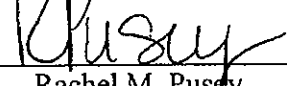
*Sept 19,*  
Dated: ~~July 1,~~ 2008

MEYERS, NAVE, RIBACK, SILVER & WILSON

By:   
Kimberly M. Drake  
Attorneys for Defendant  
CITY OF RICHMOND

*Sept. 19*  
Dated: ~~July 1,~~ 2008

THE DOLAN LAW FIRM

By:   
Rachel M. Puscy  
Attorneys for Plaintiffs  
JAMES JENKINS, SHAWN PICKETT and  
ARNOLD THREETS

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**ORDER**

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS.

1. The City's Motion to Dismiss is scheduled for hearing on November 17, 2008 at 2:00 PM in Courtroom 15, 18th Floor;
2. The Court adopts the parties' briefing schedule for said Motion;
3. The initial Case Management Conference currently scheduled for October 20, 2008 is hereby VACATED;
4. The initial Case Management Conference is continued to November 17, 2008 at 2:00 ~~4:00~~ PM in Courtroom 15, 18th Floor;
5. The Court adopts the parties' proposed, revised case management schedule.

**IT IS SO ORDERED.**

Dated: 9/23/2008

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HONORABLE  
United States

