

1 DAVID M. POORE  
 KAHN, BROWN & POORE LLP  
 2 110 Kentucky Street  
 Petaluma, CA 94952  
 3 (707) 763-7100  
 FAX (707) 763-7180  
 4 Attorneys for Plaintiff  
 SHEYANNE BYRD

6 IAN P. FELLERMAN (State Bar No. 119725)  
 JOAN PUGH NEWMAN (State Bar No. 148562)  
 7 WILEY PRICE & RADULOVICH, LLP  
 1301 Marina Village Parkway, Suite 310  
 8 Alameda, California 94501  
 (510) 337-2810  
 9 FAX (510) 337-2811  
 Attorneys for Defendants  
 10 SUPERIOR COURT OF CALIFORNIA,  
 COUNTY OF MARIN; IRENE MARIANI;  
 11 FRANCES KENNEDY; SCOTT BESEDA;  
 CHERI BRANNON; SHERI MCCONNELL;  
 12 and KIM TURNER

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 SHEYANNE BYRD,  
 16 Plaintiff,

17 v.

18 SUPERIOR COURT OF CALIFORNIA,  
 19 COUNTY OF MARIN; TOBY OLSEN;  
 IRENE MARIANI; FRANCES KENNEDY;  
 20 SCOTT BESEDA; CHERI BRANNON;  
 SHERI MCCONNELL; KIM TURNER; and  
 21 DOES 1 through 50, inclusive,

22 Defendants.

Case No.: C 08 4387 MHP

**STIPULATION CONTINUING CASE  
 MANAGEMENT CONFERENCE;  
 EXTENDING TIME TO SERVE INITIAL  
 DISCLOSURES; AND EXTENDING TIME  
 TO FILE JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT AND RULE  
 26(f) REPORT; AND ~~PROPOSED~~  
 ORDER**

23  
 24 IT IS HEREBY STIPULATED AND AGREED by Plaintiff Sheyanne Byrd and  
 25 Defendants, through their respective counsel of record, that: (i) the Case Management  
 26 Conference be continued to a date after the February 9, 2009 hearing on Defendants' Motion to  
 27 Dismiss the First Amended Complaint; and (ii) the deadline for serving Initial Disclosures, filing  
 28 a Joint Case Management Statement and filing a Rule 26(f) Report be extended until 10 days

1 prior to the rescheduled Case Management Conference date. The parties request the above-  
2 referenced continuance and extension because Defendants' Motion to Dismiss the First  
3 Amended Complaint will be scheduled for hearing on February 9, 2009, and the parties want to  
4 know what claims – if any – will be at issue prior to serving their Initial Disclosures, filing the  
5 Joint Case Management Conference Statement, and filing a Rule 26(f) report.

6 Date: December 19, 2008

KAHN, BROWN & POORE LLP

7  
8  
9 By: \_\_\_\_\_/s/  
DAVID M. POORE

10 Attorneys for Plaintiff  
11 SHEYANNE BYRD

12 Date: December 19, 2008

WILEY, PRICE & RADULOVICH, LLP

13  
14 By: \_\_\_\_\_/s/  
15 IAN P. FELLERMAN  
JOAN PUGH NEWMAN

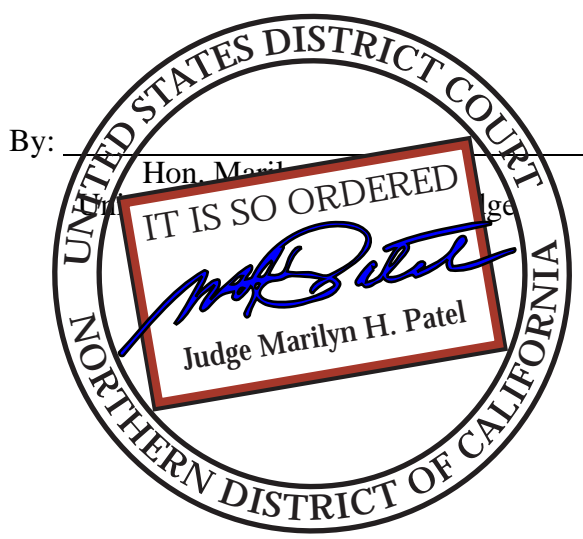
16 Attorneys for Defendants  
17 SUPERIOR COURT OF CALIFORNIA,  
18 COUNTY OF MARIN; IRENE MARIANI;  
FRANCES KENNEDY; SCOTT BESEDA;  
19 CHERI BRANNON; SHERI MCCONNELL;  
AND KIM TURNER

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

**ORDER**

Based on the parties' Stipulation, and for good cause showing, IT IS HEREBY ORDERED that: (i) the Case Management Conference is continued from January 5, 2009 to March 16, 2009 at 4:00 p.m. ~~February 11, 2009~~; and (ii) the deadline for the parties to serve Initial Disclosures, file a Joint Case Management Conference Statement and file a Rule 26(f) Report shall be 10 days prior to the new Case Management Conference date.

Date: December 22, 2008



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

**PROOF OF SERVICE**

I am a citizen of the United States, employed in the County of Alameda, California, over the age of 18 years, and am not a party to the within-entitled action. My business address is 1301 Marina Village Parkway, Suite 310, Alameda, California 94501. On the date set forth below, I served the following document(s) by the method indicated below:

**STIPULATION CONTINUING CASE MANAGEMENT CONFERENCE;  
EXTENDING TIME TO SERVE INITIAL DISCLOSURES;  
AND EXTENDING TIME TO FILE JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT AND RULE 26(f) REPORT; AND PROPOSED ORDER**

- Facsimile** by transmitting via facsimile on this date from fax number (510) 337-2811 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing pursuant to California Code of Civil Procedure §1013(e). The transmitting fax machine complies with California Code of Civil Procedure §1013(e).
- First Class Mail** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Alameda, California addressed as set forth below pursuant to California Code of Civil Procedure §1013(a). I am readily familiar with the business practice at Wiley Price & Radulovich, LLP for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- Messenger** by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- Personal Delivery** by personally hand delivering the document(s) listed above in a sealed envelope(s) to the person(s) at the address(es) set forth below pursuant to California Code of Civil Procedure §1011.
- Overnight Delivery** by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express service carrier for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below pursuant to California Code of Civil Procedure §1013I. A copy of the consignment slip is attached to this proof of service.

David M. Poore  
Kahn, Brown & Poore LLP  
110 Kentucky Street  
Petaluma, CA 94952  
Tel. No.: (707) 763-7100  
Fax No.: (707) 763-7180

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed December 19, 2008 at Alameda, California.

\_\_\_\_\_  
/s/  
Eileen O'Rourke