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5 Attorney for the Plaintiff Class

6
 7 **IN THE UNITED STATES DISTRICT COURT FOR**
 8 **THE NORTHERN DISTRICT OF CALIFORNIA**

9
 10 DOANE ATWOOD, individually and on behalf
 11 of Class of Persons similarly situated,

12 Plaintiffs,

13 v.

14 CITY OF SAN RAFAEL, CHIEF MATTHEW
 15 ODETTO, OFFICER ROLEGIO LEON,
 16 OFFICER ROBERT HENKEL, OFFICER
 17 RICHARD CLARY, OFFICER AARON
 18 PIOMBO, EMBASSY SUITES HOTEL, and
 19 DOES I through X, inclusive,

20 Defendants.

Case No. CV 08 5002 ~~EMC~~ JSW

**STIPULATION AND ~~[PROPOSED]~~
 ORDER EXTENDING TIME FOR
 ALL DEFENDANTS TO RESPOND
 TO PLAINTIFF'S COMPLAINT**

21 WHEREAS, the parties have at last scheduled a mediation session for June 2,
 22 2009 before the Honorable Charles A. Legg (Ret.):

AGREEMENT

23 Pursuant to Civil Local Rule 6-2, the parties hereby stipulate as follows:

- 24 1. The Parties will mediate this matter before Honorable Charles A. Legg (Ret.) by
 25 June 2, 2009.
 26 2. If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF
 27 MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER
 28

1 RICHARD CLARY, OFFICER AARON PIOMBO and HILTON HOTEL CORPORATION will
2 file their responsive pleadings to Plaintiff DOANE ATWOOD'S Complaint by June 7, 2009.

3 3. The Initial Case Management Conference, currently set for April 15, 2009, will be
4 continued according to June 10, 2009.

5 4. In so stipulating, Defendants expressly retain their rights not to consent to the
6 jurisdiction of a Magistrate Judge, and request reassignment to a United States District Judge. The
7 dates set forth in this Court's Order Setting Initial Case Management Conference and ADR
8 Deadlines are continued accordingly.

9
10 Respectfully submitted,

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12 Date: April 8, 2009

BRUCE NICKERSON

13 By _____ /s/
14 Bruce W. Nickerson
15 Attorney for Plaintiff
16 DOANE ATWOOD

17 Date: April 9, 2009

JACKSON LEWIS, LLP

18 By _____ /s/
19 Jamerson C. Allen
20 Cortney L. McDevitt
21 Attorneys for Defendant
HILTON HOTELS CORPORATION

22 Dated: April 9, 2009

BERTRAND, FOX & ELLIOT

23
24 By _____ /s/
25 Tom Bertrand
26 Attorney for Defendants
27 CITY OF SAN RAFAEL, CHIEF
28 MATTHEW ODETTO, OFFICER
ROLEGIO LEON, OFFICER
ROBERT HENKEL, OFFICER
RICHARD CLARY, and OFFICER
AARON PIOMBO

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PROPOSED ORDER

Based on the foregoing, and good cause so appearing, the Court hereby orders:

1. The Parties will mediate this matter before Honorable Charles A. Legg (Ret.) by June 2, 2009;

2. If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON PIOMBO and HILTON HOTEL CORPORATION will respond to Plaintiff DOANE ATWOOD'S Complaint by June 7, 2009;

3. The Initial Case Management Conference, currently set for April 15, 2009, is hereby June 12, 2009 at 1:30 p.m. continued to ~~June 10, 2009~~. A joint CMC statement is due ~~June 3, 2009~~; June 5, 2009.

4. The dates set forth in this Court's Order Setting Initial Case Management Conference and ADR Deadlines are continued accordingly; and

5. Defendants' rights to object to the jurisdiction of the Magistrate Judge and request reassignment to a District Judge are reserved.

Dated: April 14, 2009



United States Magistrate Judge
DISTRICT

H:\H\HILTON HOTELS CORP -- LITIGATION (40293)\Atwood, Doane (131119)\Pleadings\20090409 JCA Final Stipulation to Extend Time to Respond to Complaint.doc