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5 Attorneys for Defendant  
 HILTON HOTELS CORPORATION

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 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 DOANE ATWOOD, individually and on behalf  
 of Class of Persons similarly situated,  
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 13 Plaintiffs,  
 14 v.  
 15 CITY OF SAN RAFAEL, CHIEF MATTHEW  
 ODETTO, OFFICER ROLEGIO LEON,  
 16 OFFICER ROBERT HENKEL, OFFICER  
 RICHARD CLARY, OFFICER AARON  
 PIOMBO, EMBASSY SUITES HOTEL, and  
 17 DOES I through X, inclusive,  
 18 Defendants.

Case No. CV 08 5002 EMC

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

**ORDER**

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 20 **RECITALS**

21 **WHEREAS**, Plaintiff DOANE ATWOOD ("Plaintiff") filed this action against  
 22 defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO  
 23 LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON  
 24 PIOMBO AND HILTON HOTEL CORPORATION (erroneously sued as "Embassy Suites  
 25 Hotel") ("Defendants") on or about November 3, 2008;

26 **WHEREAS**, Plaintiff requested Defendant HILTON HOTELS CORPORATION waive  
 27 formal service on or about November 25, 2008 by mailing a copy of the Complaint and waiver of  
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1 service to counsel for Defendant HILTON HOTELS CORPORATION;

2 **WHEREAS**, Defendant HILTON HOTEL CORPORATION'S responsive pleading to the  
3 Complaint is due on or about January 24, 2009;

4 **WHEREAS**, Defendants and CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO,  
5 OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY,  
6 and OFFICER AARON PIOMBO have not yet been served with the Complaint;

7 **WHEREAS**, the Parties have agreed to attend mediation before the Honorable Charles A.  
8 Legg (Ret.) prior to Defendants filing responsive pleadings in this matter;

9 **WHEREAS**, there have been no prior time modifications in this matter; and

10 **WHEREAS**, the change requested herein would require continuance of the Initial Case  
11 Management Conference, currently set for January 21, 2009, and related deadlines:

12 **AGREEMENT**

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

14 Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER  
15 ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER  
16 AARON PIOMBO AND HILTON HOTEL CORPORATION will provide Plaintiff DOANE  
17 ATWOOD with a waiver of formal service of the Summons and Complaint by January 15, 2009.

18 The Parties will Mediate this matter before Honorable Charles A. Legg (Ret.) by  
19 March 15, 2009.

20 If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW  
21 ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD  
22 CLARY, OFFICER AARON PIOMBO AND HILTON HOTEL CORPORATION respond to  
23 Plaintiff DOANE ATWOOD'S Complaint by March 30, 2009.

24 The Initial Case Management Conference, currently set for January 21, 2009, will be  
25 continued according to this Court's timeline.

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In so stipulating, Defendants expressly reserve their rights not to consent to the jurisdiction of a Magistrate Judge, and request reassignment to a District Judge.

Respectfully submitted,

Date: January 7, 2009

BRUCE NICKERSON

By Bruce W Nickerson

Bruce W. Nickerson  
Attorney for Plaintiff  
DOANE ATWOOD

Date: January 9, 2009

JACKSON LEWIS LLP

By Jamerson C. Allen

Jamerson C. Allen  
Cortney L. McDevitt  
Attorneys for Defendant  
HILTON HOTELS CORPORATION

Dated: January 7, 2009

BERTRAND, FOX & ELLIOT

By \_\_\_\_\_

Tom Bertrand  
Attorney for Defendants  
CITY OF SAN RAFAEL, CHIEF  
MATTHEW ODETTO, OFFICER  
ROLEGIO LEON, OFFICER  
ROBERT HENKEL, OFFICER  
RICHARD CLARY, and OFFICER  
AARON PIOMBO

1 In so stipulating, Defendants expressly reserve their rights to object to the jurisdiction of  
2 a Magistrate Judge, and request reassignment to a District Judge.

3  
4 Respectfully submitted,

5  
6 Date: January \_\_, 2009

BRUCE NICKERSON

7  
8 By \_\_\_\_\_

9 Bruce W. Nickerson  
10 Attorney for Plaintiff  
DOANE ATWOOD

11  
12 Date: January \_\_, 2009

JACKSON LEWIS, LLP

13  
14 By \_\_\_\_\_

15 Jamerson C. Allen  
16 Cortney L. McDevitt  
17 Attorneys for Defendant  
HILTON HOTELS CORPORATION

18 Dated: January 6, 2009

BERTRAND, FOX, & ELLIOT

19  
20 By  \_\_\_\_\_

21 Tom Bertrand  
22 Attorney for Defendants  
CITY OF SAN RAFAEL, CHIEF  
23 MATTHEW ODETTO, OFFICER  
24 ROLEGIO LEON, OFFICER  
25 ROBERT HENKEL, OFFICER  
26 RICHARD CLARY, and OFFICER  
27 AARON PIOMBO  
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**PROPOSED ORDER**

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

1. 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 provide Plaintiff DOANE ATWOOD with a waiver of formal service of the Summons and Complaint by January 15, 2009.

2. The Parties will Mediate this matter before Honorable Charles A. Legg (Ret.) by March 15, 2009.

3. 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 respond to Plaintiff DOANE ATWOOD’S Complaint by March 30, 2009.

4. The Initial Case Management Conference, currently set for January 21, 2009, is hereby continued to 4/15/09 at 1:30 p.m.

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

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

**IT IS SO ORDERED.**

DATED: March 16, 2009

