

McNAMARA, DODGE, NEY, BEATTY, SLATTERY, PFALZER, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

1 JAMES V. FITZGERALD, III (State Bar No. 55632)  
2 NOAH G. BLECHMAN (State Bar No. 197167)  
3 McNAMARA, DODGE, NEY, BEATTY, SLATTERY,  
4 PFALZER, BORGES & BROTHERS LLP  
5 1211 Newell Avenue  
6 Post Office Box 5288  
7 Walnut Creek, CA 94596  
8 Telephone: (925) 939-5330  
9 Facsimile: (925) 939-0203  
10  
11 Attorneys for Defendants  
12 CITY OF PINOLE, JAMES W. ROSE, individually and in his  
13 Official Capacity as CHIEF OF POLICE OF THE CITY OF  
14 PINOLE POLICE DEPARTMENT; ZACHERY R. BLUME,  
15 individually and as an Officer of the CITY OF PINOLE  
16 POLICE DEPARTMENT (BADGE #341); TIMOTHY  
17 CAUWELS, individually and as an Officer of the CITY OF  
18 PINOLE DEPARTMENT (BADGE #353)

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

14 ANTOINETTE CLARK, SHAYLA  
15 MONIQUE TERRELL,

15 Plaintiffs,

16 vs.

17 CITY OF PINOLE, JAMES W. ROSE,  
18 individually and in his Official Capacity as  
19 CHIEF OF POLICE OF THE CITY OF  
20 PINOLE POLICE DEPARTMENT;  
21 ZACHERY R. BLUME, individually and  
22 as an Officer of the CITY OF PINOLE  
23 POLICE DEPARTMENT (BADGE #341);  
24 TIMOTHY CAUWELS, individually and  
25 as an Officer of the CITY OF PINOLE  
26 DEPARTMENT (BADGE #353),  
27 RICHARD DANIEL BURTON, and DOES  
28 1 - 100, inclusive,

24 Defendants.

Case No. C08-05537 JL

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING SETTLEMENT  
CONFERENCE AND EXCUSING  
DEFENDANT CHIEF JAMES W. ROSE  
FROM ATTENDING SETTLEMENT  
CONFERENCE**

Settlement Conf.: June 12, 2009  
Judge: Hon. Maria-Elena James

Action Filed: 12/10/2008

26 IT IS HEREBY STIPULATED between the parties as follows:

27 1. Defendant Timothy Cauwels will be graduating from his Master's Degree program  
28 in Vermont on June 12, 2009, and is therefore unavailable to attend the currently scheduled

STIPULATION AND ORDER CONTINUING SETTLEMENT  
CONFERENCE AND EXCUSING CHIEF ROSE FROM  
ATTENDING SETTLEMENT CONFERENCE C08-05537 JL

McNAMARA, DODGE, NEY, BEATTY, SLATTERY, PFALZER, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

1 Settlement Conference. Defendant Timothy Cauwels was one of the arresting officers involved  
2 in this incident, drafted a police report relating to his involvement and is now a sergeant for the  
3 Pinole Police Department. Defendant Timothy Cauwels is a key percipient party witness in this  
4 case whose presence at the Settlement Conference is necessary in order to assure a meaningful  
5 session.

6 2. As such, good cause is present to move the Settlement Conference currently set for  
7 June 12, 2009, to June 19, 2009, at 10:00 a.m., a date and time confirmed to be convenient to the  
8 Court and all parties.

9 3. In addition, Defendant Chief James W. Rose is retired from the Pinole Police  
10 Department and requiring his attendance at the Settlement Conference would be unduly  
11 burdensome to him. Chief Rose was not a percipient witness and has no personal knowledge of  
12 any facts in relation to the incident. His absence at the Settlement Conference will not impact  
13 settlement negotiations or the potential resolution of this matter. Chief Rose was simply named  
14 in this case for the Monell related claims and Plaintiffs' counsel has agreed to defer discovery on  
15 all Monell related claims until later in this case per agreement with counsel for the City of Pinole  
16 Defendants. A Command Staff member of the Pinole Police Department will attend instead of  
17 retired Chief Rose.

18 4. Good cause exists for the Court to excuse Defendant Retired Chief James W. Rose  
19 from attending the Settlement Conference.

20 5. Counsel on both sides of this matter have met and conferred regarding these issues  
21 and have agreed to such accommodations.

22 **IT IS SO STIPULATED.**

23 Respectfully submitted,

24 Dated: April 27, 2009

LAW OFFICES OF PANOS LAGOS

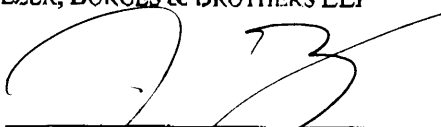
25  
26 By: 

Panos Lagos, Esq.  
Attorney for Plaintiffs  
ANTOINETTE CLARK  
SHAYLA MONIOUE TERRELL

McNAMARA, DODGE, NEY, BEATTY, SLATTERY, PFALZER, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

1 Dated: April 27, 2009

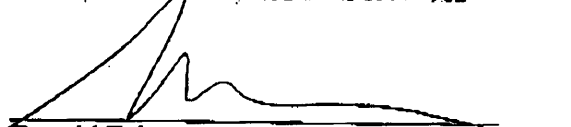
MCNAMARA, DODGE, NEY, BEATTY, SLATTERY,  
PFALZER, BORGES & BROTHERS LLP

2  
3  
4 By: 

James V. Fitzgerald, III  
Noah G. Blechman  
Attorneys for Defendants  
CITY OF PINOLE, JAMES W. ROSE, individually  
and in his Official Capacity as CHIEF OF POLICE OF  
THE CITY OF PINOLE POLICE DEPARTMENT;  
ZACHERY R. BLUME, individually and as an Officer  
of the CITY OF PINOLE POLICE DEPARTMENT  
(BADGE #341); TIMOTHY CAUWELS, individually  
and as an Officer of the CITY OF PINOLE  
DEPARTMENT (BADGE #353)

11 Dated: April 27, 2009

CRESSWELL, ECHEGUREN, RODGERS & NOBLE

12  
13 By: 

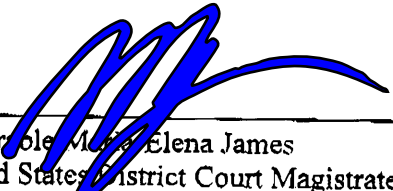
Ronald Echeguren, Esq.  
Andrew Noble, Esq.  
Attorney for Defendant  
RICHARD DANIEL BURTON

18 **ORDER**

19 The parties have demonstrated good cause to continue the Settlement Conference from  
20 June 12, 2009, to June 19, 2009, at 10:00 a.m., a date convenient to the Court and all parties. In  
21 addition, the parties have demonstrated good cause to excuse Defendant Chief James W. Rose's  
22 attendance from the Settlement Conference.

23 **IT IS SO ORDERED.**

25 Dated: May 1, 2009

26  
27 By:   
Honorable Magistrate Judge Elena James  
United States District Court Magistrate Judge