

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

JAMES V. FITZGERALD, III (State Bar No. 55632)
 NOAH G. BLECHMAN (State Bar No. 197167)
 McNAMARA, DODGE, NEY, BEATTY, SLATTERY,
 PFALZER, BORGES & BROTHERS LLP
 1211 Newell Avenue
 Post Office Box 5288
 Walnut Creek, CA 94596
 Telephone: (925) 939-5330
 Facsimile: (925) 939-0203

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)

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ANTOINETTE CLARK, SHAYLA
 MONIQUE TERRELL,

Plaintiffs,

vs.

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),
 RICHARD DANIEL BURTON, and DOES
 1 - 100, inclusive,

Defendants.

Case No. C08-05537 JL

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING SETTLEMENT
 CONFERENCE AND EXCUSING
 DEFENDANT OFFICER BLUME FROM
 PERSONALLY ATTENDING
 SETTLEMENT CONFERENCE**

Settlement Conf.: June 24, 2009
 Judge: Hon. Maria-Elena James

Action Filed: 12/10/2008

IT IS HEREBY STIPULATED between the parties as follows:

1. This matter was previously set for a Settlement Conference for June 12, 2009.

Due to the fact that Defendant Timothy Cauwels was in Vermont graduating from college on that

STIPULATION AND ORDER CONTINUING SETTLEMENT
 CONFERENCE AND EXCUSING OFFICER BLUME FROM
 ATTENDING SETTLEMENT CONFERENCE C08-05537 JL

1 date, the parties agreed and the Court approved a stipulation and order moving the settlement
2 conference to June 19th.

3 2. Recently, the parties received an order from the Court resetting the settlement
4 conference of June 19th to June 24th. The new date of June 24th was in conflict with the schedules
5 of both defense counsel in this matter. Therefore, Mr. Blechman's office contacted Judge James'
6 calendar clerk and were informed that another available date was July 1st, as well as some other
7 dates in late August.

8 3. The parties then met and conferred and determined that the July 1st date was the
9 best available date for this settlement conference. As such, the parties hereby stipulate to move
10 the settlement conference to July 1st at 10:00 a.m. with Your Honor. The parties agree to provide
11 settlement conference statements to the Court pursuant to this new date and per Your Honor's
12 standing order regarding settlement conferences.

13 4. In addition, Mr. Blechman's office informed all parties that named Defendant
14 Officer Blume would not be available on July 1st for the settlement conference as he will be out of
15 the area on a pre-planned family vacation that week. Mr. Blechman indicated that he would make
16 Officer Blume be on telephone standby for the settlement conference to make him available if
17 need be.

18 5. All parties are in agreement that Officer Blume does not need to personally attend
19 the July 1st settlement conference and can attend via telephone standby.

20 6. Officer Blume's absence at the settlement conference will not hinder or
21 detrimentally affect whether or not the session is meaningful, will not impact settlement
22 negotiations or the potential resolution of this matter. Though he was involved in the arrests of
23 the Plaintiffs, Officer Blume wrote a detailed report of his version of events. In addition,
24 Defendant Officer (now Sgt.) Cauwels will be present, along with Deputy Chief Pete Janke and
25 an insurance representative for the conference. The Court has previously excused retired Chief
26 James Rose from his attendance at the settlement conference.

27 7. As such, good cause is present to move the Settlement Conference currently set for
28 June 24, 2009, to July 1, 2009, at 10:00 a.m., a date and time confirmed to be convenient to the

1 Court and all parties.

2 8. In addition, good cause is also present to excuse Officer Blume's personal
3 attendance at the conference, though he will be made available via telephone standby during the
4 time of the conference in case contact with him needs to be made.

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

7 **IT IS SO STIPULATED.**

8 Respectfully submitted,

9 Dated: June 16, 2009

LAW OFFICES OF PANOS LAGOS

10
11 By: 

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

1 Dated: June 16, 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)

5
6
7
8
9
10
11 Dated: June 16, 2009

CRESWELL, ECHEGUREN, RODGERS & NOBLE

12
13 By: 

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

14
15
16
17 **ORDER**

18 The parties have demonstrated good cause to continue the Settlement Conference from
19 June 24, 2009, to July 1, 2009, at 10:00 a.m., a date convenient to the Court and all parties. In
20 addition, the parties have demonstrated good cause to excuse Defendant Officer Blume's personal
21 attendance from the Settlement Conference, though he should be on telephone standby.

22 **IT IS SO ORDERED.**

23 Dated: June 19, 2009

24 By: 

Honorable Mary Elena James
United States District Court Magistrate Judge