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 14 JEFFREY BITTON, MICHA BITTON  
 & SANDRA BITTON  
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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 JEFFREY BITTON, MICHA BITTON AND  
 SANDRA BITTON,

19 Plaintiffs,  
 20  
 21 vs.

22 CITY AND COUNTY OF SAN  
 FRANCISCO, a municipal entity, SAN  
 FRANCISCO POLICE DEPARTMENT  
 23 CAPTAIN DAVID LAZAR, POLICE  
 OFFICER BERKE (SFPD BADGE NO.  
 24 2240), POLICE OFFICER BRENT  
 BRADFORD (SFPD BADGE NO. 4199),  
 25 POLICE OFFICER NG (SFPD BADGE NO.  
 338),POLICE OFFICER DOWKY (SFPD  
 26 BADGE NO. 799), POLICE OFFICER  
 MARON (SFPD BADGE NO. 1929), POLICE  
 27 OFFICER NEWBECK (SFPD BADGE NO.  
 1691), POLICE OFFICER PAPALE (SFPD  
 28 BADGE NO. 642), POLICE OFFICER

Case No. C08-5585 MMC

**JOINT ADMINISTRATIVE MOTION TO  
 EXTEND JURISDICTION OF ENE  
 EVALUATOR IN ORDER TO CONDUCT ENE  
 HEARING; PROPOSED ORDER  
 [STIPULATED]  
 [CIVIL L.R. 7-11]**

1 JONES (SFPD BADGE NO. 852), POLICE  
2 OFFICER GARDEN (SFPD BADGE NO.  
3 404), POLICE OFFICER MCKINNEY (SFPD  
4 BADGE NO. 4), POLICE OFFICER  
5 LIBERTA (SFPD BADGE NO. 682), and  
6 DOES 1-100,

7 Defendants.

8 Pursuant to Local Rule 7-11 and ADR L.R. 5-4(b), the parties jointly file this stipulated  
9 Administrative Motion to extend the jurisdictional time of the evaluator in order to conduct an ENE  
10 Hearing.

### 11 **BACKGROUND**

12 This is a civil rights action brought by the Jeffrey Bitton, Micha Bitton and Sandra Bitton  
13 against individual San Francisco police officers and the City and County of San Francisco. Plaintiffs  
14 contend that the Defendants violated their Fourth Amendment rights by making an unlawful entry into  
15 their home and using unlawful force against defendants, while the Defendants maintain that exigent  
16 circumstances justified a warrantless entry and that any force used was lawful.

17 The parties and the Court's ADR coordinator engaged in a teleconference regarding the timing  
18 of the ENE Hearing, the form of mandatory ADR selected by the parties. Following the conference,  
19 the Court appointed Charles E. Farnsworth as the ENE Evaluator and set the hearing for June 11,  
20 2009.

21 Due to conflicting schedules of the parties and evaluator, the parties were unable to conduct the  
22 hearing. A subsequent hearing could not be rescheduled within the 90 time limit prescribed by ADR  
23 Local Rules for conducting such hearing.

24 On September 8, 2009, a further ADR phone conference was conducted, at which time the  
25 ADR coordinator recommended that the parties file a joint administrative motion seeking an extension  
26 of the ENE Evaluator's jurisdiction so that ADR efforts can ensue. The parties agree that within 60  
27 days after an order is issued would be a reasonable time to prepare for and to engage in the ADR  
28 process. Accordingly, the parties file this joint motion.

1 Dated: September 16, 2009

DENNIS J. HERRERA  
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JOANNE HOEPER  
Chief Trial Deputy

2  
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5 By: s/Sean Connolly  
SEAN F. CONNOLLY  
Deputy City Attorney

6  
7 Attorneys for Defendants CITY AND COUNTY OF  
SAN FRANCISCO, et al.

8  
9 Dated: September 16, 2009

BRENT & FIOL, LLP

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12 By: s/David Fiol  
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DAVID LEE FIOL, ESQ.

13  
14 Attorneys for plaintiffs JEFFREY BITTON,  
MICHA BITTON & SANDRA BITTON

15 **ORDER**

16 Pursuant to stipulation, it is so Ordered that the ENE Evaluator Charles E. Farnsworth's  
17 jurisdiction be extended for 60 days from the date of this order.

18  
19 Date: September 29, 2009

20   
The Honorable Maxine M. Chesney  
Judge of the United States District Court