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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 WANDA JOHNSON, et al.,

4 Plaintiffs,

5 vs.

6 BAY AREA RAPID TRANSIT DISTRICT, et al.,

7 Defendants.

) Case No.: C09-00901 EMC

) Related Cases:

) C09-04014 EMC (Oscar Grant, Jr.)

) C09-04835 EMC (Bryson, et al.)

) C10-00005 EMC (Caldwell)

) JOINT SUPPLEMENTAL CASE STATUS
) REPORT AND REQUEST FOR
) CONTINUANCE OF CASE MANAGEMENT
) CONFERENCE; [PROPOSED] ORDER

) Date: April 18, 2013

) Time: 10:30 a.m.

) Courtroom: 5, 17th Floor

) Judge: Hon. Edward M. Chen

13 AND RELATED ACTIONS.
14

15 The parties to the above-entitled action jointly submit this Joint Supplemental Status Report. As
16 set forth below, the action is presently stayed pending appeals taken by defendants Mehserle, Pirone
17 and Domenici, and those appeals remain unresolved. Oral argument in those appeals took place on
18 December 3, 2012. Accordingly, the parties respectfully request that the Court vacate the April 18,
19 2013 case management conference and schedule a further case management conference to take place in
20 approximately 120 days.

21 1. Factual and Procedural Background:

22 These related cases arise out of an incident that occurred in the early morning hours of January
23 1, 2009, at the Fruitvale BART Station in Oakland, California. Defendant BART Police Officers
24 Anthony Pirone, Marysol Domenici, Johannes Mehserle, Jon Woffinden and Emery Knudtson
25 participated in the detention of decedent Oscar Grant III and plaintiffs Jack Bryson, Jr., Nigel Bryson,
26 Carlos Reyes, Michael Greer, Fernando Anicete and JohnTu Caldwell. During the encounter, Officer
27 Mehserle shot Grant, who later died from his injuries.

28 Plaintiff Wanda Johnson, Grant's mother, brought suit against BART and its officers

1 individually and as the representative of Grant's estate, along with Grant's minor daughter, T.G., by
2 and through her guardian ad litem, Sophina Mesa, in case no. C09-00901 (the "Johnson matter").
3 Plaintiffs Brysons, Greer, Reyes and Anicete brought suit in case no. C09-04835 (the "Bryson
4 matter"). Plaintiff Caldwell brought suit in case no. C10-00005 (the "Caldwell matter"). Plaintiff Oscar
5 Grant, Jr., the father of decedent Grant, brought suit in case no. C09-04014 (the "Grant matter"). The
6 plaintiffs alleged civil rights claims under 42 U.S.C. § 1983 and, to varying degrees, supplemental state
7 claims.

8 T.G. settled with all defendants and dismissed her claims in February 2010. The defendants
9 filed motions for summary judgment/adjudication in February 2011. On May 20, 2011, the Court
10 issued an order granting in part and denying in part defendants' motions. Defendant Officers Pirone,
11 Domenici and Mehserle have appealed the court's denial of qualified immunity under § 1983 to the
12 Ninth Circuit Court of Appeals. The Ninth Circuit heard oral argument of those defendants' appeals on
13 December 3, 2012, and has not yet issued a decision with respect to those matters.

14 In June 2011, plaintiff Johnson settled all of her claims against all defendants. In July 2011,
15 plaintiff Caldwell was killed. His mother, Zephoria Smith, has petitioned the Alameda County
16 Superior Court for Letters of Administration and has filed a copy of the petition and related orders in
17 the present *Caldwell* matter. The status of plaintiff Caldwell's claims and representation is unclear at
18 this time.

19 At the Case Management Conference of September 30, 2011, in the above-captioned actions,
20 the Court formally stayed the actions pending the appeals taken by defendants Domenici, Mehserle and
21 Pirone (see Doc. No. 237). As those appeals are still unresolved, the parties respectfully request that
22 the Court vacate the April 18, 2013 case management conference and schedule a further case
23 management conference to take place in approximately 120 days.

24 2. Amendment of Pleadings:

25 The parties do not anticipate amending the pleadings at this time.

26 3. Motions:

27 No motions are pending.

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1 4. Discovery:

2 The parties have completed non-expert discovery and have disclosed experts. Defendants
3 propose that the scope of expert discovery be restricted to depositions of the experts already disclosed.

4 5. Scheduling and Trial Setting

5 At the October 19, 2010 Case Status Conference, the court set October 22, 2010 as the trial
6 date. The court vacated that date at the March 15, 2010 Case Status Conference.

7 All parties demand a jury trial. The length of the trial will be approximately 20-25 days.

8 Defendants request that the expert-discovery and pretrial schedule be discussed at a further
9 Case Management Conference following the disposition of defendant Pirone, Domenici and
10 Mehserle's appeals.

11 6. Settlement and ADR:

12 Decedent Grant's daughter, T.G., settled with all defendants in February 2011. Plaintiff
13 Johnson settled with all defendants in June 2011, at a settlement conference with Magistrate Judge
14 Joseph Spero. Settlement conferences with Judge Spero in June 2011 did not resolve the claims of the
15 plaintiffs in the Bryson, Grant and Caldwell matters.

16 7. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

17 None at this time.

18
19 Dated: April 16, 2013.

20 LOW, BALL & LYNCH

21
22 By _____ s/ Dirk D. Larsen
23 DALE L. ALLEN, JR.
24 LINDA MEYER
25 DIRK D. LARSEN
26 Attorneys for Defendants
27 BAY AREA RAPID TRANSIT DISTRICT,
28 GARY GEE in his official capacity as CHIEF OF
POLICE for BAY AREA RAPID TRANSIT
DISTRICT and DOROTHY DUGGER in her
official capacity as GENERAL MANAGER for
BAY AREA RAPID TRANSIT DISTRICT

1 Dated: April 16, 2013.

2 RAINS, LUCIA & STERN

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4 By _____ s/ Lara Cullinane-Smith
5 MICHAEL L. RAINS
6 LARA CULLINANE-SMITH
7 Attorneys for Defendant
8 JOHANNES MEHSERLE

9 Dated: April 16, 2013.

10 BERRY WILKINSON LAW GROUP

11 By _____ s/ Alison Berry Wilkinson
12 ALISON BERRY WILKINSON
13 Attorney for Defendant
14 MARYSOL DOMENICI

15 Dated: April 16, 2013.

16 LAW OFFICES OF WILLIAM R. RAPOPORT

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21 ANTHONY PIRONE

22 Dated: April 16, 2013.

23 LAW OFFICES OF JOHN L. BURRIS

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28 WANDA JOHNSON, individually and as personal
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GRANT III, the ESTATE OF OSCAR J. GRANT
III, SOPHINA MESA as Guardian ad Litem of
minor, T.G.

1 Dated: April 16, 2013.

2 LAW OFFICES OF PANOS LAGOS

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5 By s/ Panos Lagos
6 PANOS LAGOS
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9 Dated: April 16, 2013.

10 LAW OFFICES OF SHIMEA ANDERSON

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12 SHIMEA C. ANDERSON
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14 JOHNTU CALDWELL

15 Dated: April 16, 2013.

16 SIEGEL & YEE

17 By s/ Dan Siegel
18 DAN SIEGEL
19 Attorneys for Plaintiffs
20 JACK BRYSON, JR., NIGEL BRYSON,
21 FERNANDO ANICETE and CARLOS REYES
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1 **[PROPOSED] ORDER**

2 Pursuant to the request of the parties herein, and good cause appearing therefor, it is hereby
3 ORDERED:

4 1. That the Case Management Conference currently scheduled for April 18, 2013, is
5 hereby VACATED;

6 2. That a further Case Management Conference is scheduled for August 8,
7 2013, at 10:30 a.m./p.m., in Courtroom 5 of the above-entitled Court.

8 IT IS SO ORDERED.

9 4/17/13

10 Dated: _____.

