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Attorneys for Defendants BERKELEY BUSINESS CENTER II, L.P., formerly known as and appearing as Berkeley Business Center, L.P; and for HS MANAGEMENT ADVISORS, LLC, formerly known as and erroneously sued as Ashby Plaza, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MICHAEL FREEMAN,
 Plaintiff,

CASE NO. CV-09-1839 EMC
 Civil Rights

v.

JOHN F. KENNEDY UNIVERSITY;
 BERKELEY BUSINESS CENTER, L.P.;
 ASHBY PLAZA LLC; and DOES 1
 through 50,,

**STIPULATION AND [Proposed] ORDER
 FOR CONTINUANCE OF CASE
 MANAGEMENT CONFERENCE; AND FOR
 REFERRAL TO MAGISTRATE JUDGE FOR
 A JUDICIAL SETTLEMENT CONFERENCE**

Defendants.

Case Management Conference:

Date: April 7, 2010
 Time: 1:30 PM
 Place: Courtroom C, 15th Fl.
 Judge: Hon. Edward M. Chen

The parties request a 60 day continuance of the Case Management Conference scheduled for April 7, 2010 to permit completion of the also-requested judicial settlement conference. The parties are pleased to report that they have been cooperating. At the time of writing this statement, the parties have already completed a joint site inspection of both campuses. This was attended by all parties, consultants and counsel as required by General Order 56. Plaintiff has

1 provided defendants with her demand as to remediations along with the reports of her principle
2 access consultants Barry Atwood and Peter Margen, as well as proposed remediation drawings by
3 general contractor consultant Karl Danz. Defendants have returned responsive reports as to both
4 campuses by access consultant Kim Blackseth. Tentative agreements appear to have been
5 reached already on many issues. The parties are in the process of scheduling a final follow-up
6 meeting under GO 56, which will occur within the next several weeks between all parties and
7 consultants. This will attempt to resolve the remediation claims, after which the parties will
8 immediately turn to negotiation of the remaining monetary claims. They anticipate reaching
9 either resolution or impasse within the next 60 days.

10 In order to maintain the momentum toward settlement and to assist the parties in their
11 negotiations, the parties request referral of this matter to a judicial settlement conference before a
12 magistrate judge.

13 There is substantial good cause for a referral. This case is complicated by claims
14 pertaining to JFK's educational policies, practices and procedures. The parties believe the
15 divisive nature of these issues, the extended nature of the relationship between Ms. Freeman and
16 JFK staff, as well as the substantial size of potential statutory damages, will require the firm
17 assistance of a magistrate judge, who will be more effective at dealing with the factual and legal

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1 issues, as well as certain complexities regarding contribution. The parties suggest referral to the
2 matter to magistrate judge Elizabeth La Porte.

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4 Dated: March 31, 2010

THIMESCH LAW OFFICES
TIMOTHY S. THIMESCH

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6 /s/ Authorized Signed
Attorneys for Plaintiff
MICHAI FREEMAN

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8 Dated: March 31, 2010

DANIEL R. FRIEDENTHAL, ESQ.
FRIEDENTHAL, HEFFERNAN & KLEIN, LLP.

9
10 /s/ Authorized Signed
Attorneys for Defendant
JOHN F. KENNEDY UNIVERSITY

11
12 Dated: March 31, 2010

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formerly known as and appearing as Berkeley
17 Business Center, L.P; and for HS MANAGEMENT
18 ADVISORS, LLC, formerly known as and
19 erroneously sued as Ashby Plaza, LLC

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22 **ORDER**

23 SO ORDERED. The CMC is reset from 4/7/10 at 1:30 pm to 7/14/10 at 1:30 p.m., and a
24 joint CMC statement shall be filed by 7/7/10. This case is referred to
Magistrate Judge Elizabeth D. Laporte for settlement conference.
25 Settlement conference is to be held within 90 days.

Dated: 3/31/10

26 HON. EDWARD M. CHEN
MAGISTRATE JUDGE FOR U.S. DISTRICT COURT

