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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 KAREEM RASHEED, et al.) **CASE NO. C09-02011 MEJ**
12)
13 Plaintiffs,)
14 vs.) **JOINT STIPULATION FOR**
15 THE CITY OF SAN RAMON, et al.) **CONTINUANCE OF ADR**
16) **COMPLETION DATE**
17 Defendants.) **AND ~~(PROPOSED)~~-ORDER**
18)

19 **TO THIS HONORABLE COURT, ALL PARTIES AND/OR THEIR ATTORNEYS**
20 **OF RECORD HEREIN:**

21 Plaintiffs, KAREEM RASHEED and KHALID ANWARI (hereinafter collectively referred
22 to as "Plaintiffs"), Defendants, CITY OF SAN RAMON et al., and Defendants, GUY HUNTER and
23 EILEEN HUNTER, by and through their counsel of record herein, stipulate and agree, as follows:

24 **IT IS HEREBY STIPULATED AND AGREED** by and between all parties and their
25 counsel of record in the above-captioned matter that the currently scheduled ADR completion date
26 of March 19, 2010, should be postponed and continued at least 60 days or as soon thereafter as the
27 Court deems appropriate. This would be the second continuance of the ENE completion date, and
28 good cause exists for the Court to approve this continuance for the following reasons:

1 First, the Plaintiffs and City of San Ramon have been actively engaged in written discovery
2 and have scheduled the depositions of Plaintiffs for early March, prior to the current ENE
3 completion date. Although Plaintiffs noticed the depositions of defendant Officers M. Gunning and
4 A. Medina to occur prior to the current ENE completion date, there are no available dates for the
5 officers and counsel to complete the depositions during this time frame.

6 Second, Plaintiffs have served the new defendants, Guy and Eileen Hunter, who filed an
7 answer to the Complaint on February 1, 2010; the Hunter's were served with written discovery from
8 Plaintiffs shortly thereafter; and have agreed to participate in the ENE conference. A continuance of
9 the ENE completion will allow them time to perform some discovery and attempt to obtain
10 insurance coverage for this case through their home insurance policy.

11 Third, Plaintiffs attempted, but were not able to personally serve the defendants, Spencer and
12 Tony Hill, despite making a diligent effort to locate and serve these individuals. On or about
13 February 15th, Plaintiffs initiated a final attempt to serve these parties by certified mail and personal
14 service at an alternate address in Tennessee that was recently discovered. The additional time will
15 allow Plaintiffs to attempt to serve the Hill defendants or dismiss them from the case, so the case
16 will be at issue and all parties can have the opportunity to participate in the ENE.

17 Additionally, the City of San Ramon related Defendants still have a pending motion to
18 dismiss with the Court. Your Honor has taken the matter under submission and ordered that no oral
19 argument is necessary. The outcome of this pending motion will impact the ENE evaluation of the
20 liability of City of San Ramon related Defendants so it would behoove all parties if the ENE
21 occurred following receipt of the Court order on that motion.

22 In summary, a final 60-day continuance of the ENE completion date is warranted so that
23 Plaintiff may complete the process of serving the Hill Defendants and allowing them to participate in
24 the ADR process; the parties may be able to complete further discovery and the depositions of the
25 defendant officers; and attempt to resolve any insurance coverage issues, if applicable. Furthermore,
26 the outcome of Defendant, City of San Ramon's Rule 12b Motion, which is still undecided, will
27 materially impact the ENE evaluator's assessment of the claims at issue in this case. During prior
28 teleconferences with counsel, the ENE evaluator, Steven Saltiel, Esq. has indicated that he has no

1 objection to a continuance of the ENE completion date. In addition, the parties are willing to
2 appear at a case management conference after the ENE completion date.

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4 **IT IS SO STIPULATED**

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6 DATE: February 25, 2010

HASAN & ASSOCIATES, PC

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8 By: 

Ghassan O. Hasan, Esq.
Attorneys for Plaintiffs

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10
11 DATE: February 25, 2010

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

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13 By: 

Noah G. Blechman, Esq.
Attorneys for Defendants, CITY OF SAN RAMON,
SAN RAMON POLICE DEPARTMENT, et al.

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16
17 DATE: February 24, 2010

LAW OFFICE OF SCOTT L. WOODALL

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19 By: 

Scott L. Woodall, Esq.
Attorneys for Defendants, GUY HUNTER and
EILEEN HUNTER

ORDER

The Court having considered the joint stipulation of the parties, as set forth above, and good cause appearing therefore, **IT IS HEREBY ORDERED** as follows:

(1) The ADR completion date in this matter is continued to May 14, 2010;

~~(2) All parties are ordered to appear at a further case management conference on _____, 2010, at _____ a.m. in Judge James' courtroom on the 15th Floor. One week prior to the case management conference, the parties are to file a joint case management conference~~

~~statement.~~
The Court will schedule a CMC, if necessary, after ruling on Defendant's motion to dismiss.

IT IS SO ORDERED:

DATE: March 1, 2010



CHIEF MAGISTRATE JUDGE MARIA-ELENA JAMES
U.S. DISTRICT COURT