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5 Attorneys for Defendants CASTRO VALLEY UNIFIED SCHOOL DISTRICT,  
SHERRI BEETZ, CHARLOTTE IRWIN AND TIM DEFOREST  
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7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 ROMEO V. APOSTOL,

12 Plaintiff,

13 v.

14 (1) CASTRO VALLEY UNIFIED SCHOOL  
DISTRICT,  
15 (2) JIM FITZPATRICK,  
16 (3) SHERRI BEETZ,  
17 (4) CHARLOTTE IRWIN,  
18 (5) TIM DEFOREST,  
(6) CALIFORNIA SCHOOL EMPLOYEES  
ASSOCIATION,  
(7) ROBERT PHILLIPS,  
Defendants.

Case No. C 09-2676 JSW

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE COMPLETION  
OF EARLY NEUTRAL EVALUATION**

19  
20 Pursuant to Civil Local Rule 7-1 and the Court's July 8, 2010 Order, the parties, through  
21 their respective attorneys of record, petition the Court for a continuance of the deadline to complete  
22 the Early Neutral Evaluation, and an extension of related deadlines.

23 In its July 8, 2010 Order, the Court directed the parties to complete Early Neutral  
24 Evaluation by October 25, 2010. *See* Dkt. No. 45. However, due to administrative error, this  
25 matter was not referred for Early Neutral Evaluation until October 4, 2010.  
26

1 Counsel did not receive notice of the appointment of an evaluator. Counsel for Defendants,  
2 CASTRO VALLEY UNIFIED SCHOOL DISTRICT, et al. contacted the ENE Department on  
3 October 4, 2010 and learned that the department had not received the court referral but would  
4 immediately process the ENE referral. The ENE Department indicated that a 90-day continuance  
5 to complete ENE would be needed due to scheduling during the end of the year.

6 The court's original deadline for the completion of ENE was October 25, 2010. The parties  
7 respectfully request a continuance to January 25, 2011 to complete the Early Neutral Evaluation.  
8 The parties further respectfully request that the Court order the parties to submit the Joint  
9 Supplemental Case Management Statement following the parties' completion of ENE no later than  
10 February 4, 2011. Lastly, the parties further respectfully request that the Court reschedule the Case  
11 Management Conference to February 11, 2010 at 1:30 p.m. or as soon thereafter as the Court's  
12 schedule permits.

13 The parties certify that no other time modifications with respect to the Court's discovery  
14 schedule have been sought or entered in this case. The requested schedule modifications should  
15 have no effect on the remaining discovery deadlines.

17 Respectfully submitted,

18 DATED: October 8, 2010

EDRINGTON, SCHIRMER & MURPHY

19 By:                   /s/ Nancy McPherson                  

20 Peter P. Edrington, Esq.  
21 Nancy A. McPherson, Esq.  
22 Attorney for Defendants CASTRO VALLEY UNIFIED  
SCHOOL DISTRICT, SHERRI BEETZ, CHARLOTTE  
IRWIN AND TIM DEFOREST

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1  
2 DATED: October 8, 2010

HOWREY LLP

3  
4 By:           /s/ Aseem Gupta          

5 Henry Su, Esq.  
6 Aseem Gupta, Esq.  
7 Alden K. Lee, Esq.  
HOWREY LLP  
Attorneys for Plaintiff  
ROMEO V. APOSTOL

8 DATED: October 8, 2010

THE DAVIS LAW FIRM, APC

9 By:           /s/ Jeanne M. Fahey          

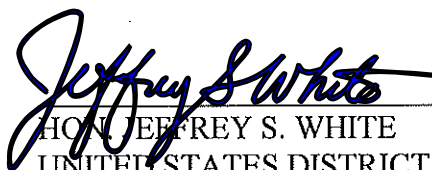
10 Jeanne M. Fahey, Esq.  
11 THE DAVIS LAW FIRM, APC  
Attorneys for CSEA and ROBERT PHILLIPS

12  
13 **[PROPOSED] ORDER**

14 GOOD CAUSE SHOWN, the parties have until January 25, 2011 to complete Early Neutral  
15 Evaluation. The parties shall submit a Joint Supplemental Case Management Statement following  
16 the completion of Early Neutral Evaluation no later than February 4, 2011. Further, the parties  
17 shall attend the Case Management Statement at 1:30 p.m. on February 11, 2011, or as soon  
18 thereafter as the Court's schedule permits.

19 IT IS SO ORDERED.

20  
21 DATED: October 13, 2010

  
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HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE