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16 Attorneys for Defendants CITY OF NAPA, RICHARD MELTON, CITY OF NAPA
 17 OFFICERS GARTH BENDER, RYAN COLE, and RYAN HIBBS

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20 LUZ HERNANDEZ,

21 Plaintiff,

22 vs.

23 CITY OF NAPA; a municipal corporation;
 24 RICHARD MELTON, in his capacity as chief of
 25 Police for the CITY OF NAPA, OFFICER
 26 GARTH BENDER, individually and in his
 27 capacity as a police officer for the CITY OF
 28 NAPA; OFFICER RYAN COLE, individually and
 in his capacity as a police officer for the CITY OF
 NAPA, OFFICER RYAN HIBBS, individually
 and in his capacity as a police officer for the CITY
 OF NAPA; DONALD GREEN, individually and
 acting as a co-conspirator in conjunction with
 Defendant Police Officer for the CITY OF NAPA;
 JOHN HALLMAN, individually and in his
 capacity as a Deputy Sheriff for the COUNTY OF
 NAPA and DOES 1-30

Defendants.

) Case No. CV 09 2782 EDL

) STIPULATION AND ORDER CONTINUING
) CASE MANAGEMENT CONFERENCE, RULE
) 26(f) REPORT AND INITIAL DISCLOSURES

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1 All parties, by their counsel, request through this stipulation that the Court vacate the current
2 dates for Case Management Conference, Rule 26(f) Report, and Initial Disclosures, and assign new
3 dates, on the following grounds:

4 **RECITALS**

5 1. This matter was filed on June 23, 2009. It is currently set for an initial Case
6 Management Conference on September 29, 2009. Rule 26(f) Report and Initial Disclosures are
7 currently due on September 22, 2009

8 2. On July 22, 2009, Defendants filed two separate motions to dismiss pursuant to Rule
9 12(b)(6), and set the matter for hearing on September 1, 2009.

10 3. In response to the initial motions to dismiss, on August 11, 2009, Plaintiff filed a First
11 Amended Complaint. Defendants withdrew their initial motions, and filed new motions to dismiss the
12 FAC, with hearing set for October 20, 2009.

13 4. All parties believe that justice would be best served by vacating the current Case
14 Management Conference, Rule 26(f) report and Initial Disclosure dates until shortly after the ruling
15 on the October 20, 2009 motions to dismiss, and the filing of a Second Amended Complaint, if
16 appropriate. The parties believe that after the pleading issues have been resolved the Court can more
17 fully and efficiently manage this matter at the Case Management Conference, and initial disclosures
18 can be better directed at the issues which then remain in the relevant pleadings.

19 **STIPULATION**

20 All parties hereby stipulate that the current deadlines for the Rule 26(f) Reports and Initial
21 Disclosures (due on September 22, 2009), and the Case Management Conference currently set for
22 September 29, 2009 may be vacated, and new dates established as follows, or at the Court's
23 convenience:

24 1. November 10, 2009: Rule 26(f) Reports and Initial Disclosures due; Joint Case
25 Management Conference Statement filed.

26 2. November 17, 2009: Initial Joint Case Management Conference, Courtroom E, 15th
27 Floor, San Francisco, CA, 10:00 am.

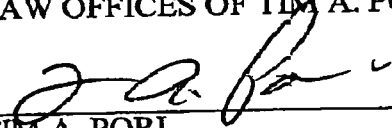
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LAW OFFICES OF TIM A. PORI

September 10, 2009

By:


TIM A. PORI
Attorney for Plaintiff

MEYERS, NAVE, RIBACK, SILVER &
WILSON

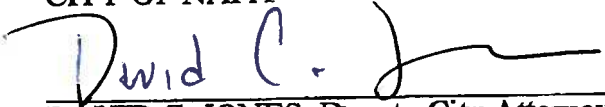
September __, 2009

By:

KEVIN E. GILBERT
Attorney for Defendart John Hallman

September 8, 2009

By:

CITY OF NAPA

DAVID C. JONES, Deputy City Attorney
Attorney for Defendants City Of Napa,
Richard Melton, Officers Garth Bender,
Ryan Cole, and Ryan Hibbs

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2009

THE HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge

LAW OFFICES OF TIM A. PORI

September __, 2009

By: _____
TIM A. PORI
Attorney for Plaintiff

MEYERS, NAVE, RIBACK, SILVER &
WILSON

September 8, 2009

By: _____
KEVIN E. GILBERT
Attorney for Defendant John Hallman

CITY OF NAPA

September 8, 2009

By: _____
DAVID C. JONES, Deputy City Attorney
Attorney for Defendants City Of Napa,
Richard Melton, Officers Garth Bender,
Ryan Cole, and Ryan Hibbs

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 14, 2009

THE HONORABLE _____
United States District Judge

