

1 **JOHN L. BURRIS, Esq./ State Bar #69888**  
 2 **ADANTE D. POINTER, Esq./State Bar#236229**  
 3 **LAW OFFICES OF JOHN L. BURRIS**  
 Airport Corporate Centre  
 4 7677 Oakport Street, Suite 1120  
 Oakland, California 94621  
 Telephone: (510) 839-5200 Facsimile: (510) 839-3882  
 5 Email: john.burris@johnburrislaw.com  
 Adante.pointer@johnburrislaw.com

6 Attorneys for Plaintiff  
 7 **NICHOLAS & LUCIA JACKALONE**

8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 NICHOLAS JACKALONE and  
 12 LUCIA JACKALONE,

13 Plaintiffs,

14 vs.

15 CITY OF FREMONT, a municipal corporation;  
 16 CRAIG STECKLER in his official capacity as  
 17 Chief of Police for the City of Fremont; NICK  
 18 MAURER, individually and in his official  
 capacity as a Police Officer for the City of  
 Fremont; DOES 1-25, inclusive.

19 Defendants.  
 20

Case No. C09-02956

**STIPULATION AND [~~PROPOSED~~]  
 ORDER TO EXTEND DEADLINE FOR  
 COMPLETION OF EARLY NEUTRAL  
 EVALUATION**

21  
 22 The Parties, by and through their respective counsel, hereby respectfully request the Court  
 23 extend the deadline by which the parties must participate in and complete Early Neutral Evaluation.

24 This is a case in which plaintiffs allege they were physically assaulted by defendant NICK  
 25 MAURER in a BART station. MAURER was off duty from his employment as a police officer for  
 26 the defendant CITY OF FREMONT. Good cause for the extension is because one of the named  
 27 Defendants, Nick Maurer, has recently been personally served and his appearance is expected by  
 28 approximately April 9<sup>th</sup>. The Court had granted an order for publication but given that personal

1 service on MAURER has been accomplished the parties are now prepared to move the case forward.

2 The parties met and conferred during the ADR conference call with the ENE Evaluator  
3 Anthony Boskovich and it was agreed that given the fact Defendant Maurer had a principal role in the  
4 incident that gives rise to plaintiffs' action, he must be present in order for the parties to have a  
5 meaningful and productive Early Neutral Evaluation session which may result in a mediated  
6 resolution of the case. **The parties and the ENE Evaluator have therefore agreed on Friday May**  
7 **28, 2010 at 10:00 a.m. as the date and time for the ENE.**

8 The parties have also agreed to the following limited discovery. Depositions of the two  
9 plaintiffs on the liability issues will take place on May 6, 2010. A deposition of an important eye  
10 witness who was a BART station attendant will take place on May 5, 2010.

11 Following the depositions and ENE, and if the case does not settle, the parties respectfully  
12 request a status conference to discuss the case including, discovery, trial and a schedule for a motion  
13 for summary judgment by the defendant CITY OF FREMONT.

14 In light of the foregoing, the parties respectfully request the Court extend the deadline by  
15 which the parties must have completed ENE until June 4, 2010.

16 Respectfully submitted,

17 Dated: March 26, 2010

18 \_\_\_\_\_  
19 /s/  
20 Adante D. Pointer  
21 Attorney for Plaintiffs

22 Dated: March 26, 2010

23 BERTRAND, FOX & ELLIOT

24 By: \_\_\_\_\_  
25 /s/  
26 Gregory M. Fox  
27 Attorneys for Defendants  
28 CITY OF FREMONT and CRAIG STECKLER

1 **ATTORNEY ATTESTATION**

2 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
3 conformed signature (“/s/”) within this E-filed document.  
4

5 Dated: March 26, 2010

/s/  
\_\_\_\_\_  
Gregory M. Fox

6  
7  
8 ~~(PROPOSED)~~ ORDER

9 GOOD CAUSE APPEARING, the Court hereby orders that the deadline by which the parties  
10 must complete Early Neutral Evaluation be extended to June 4, 2010.  
11

12 Dated: 3/30/2010

