

1 DAVID L. WRIGHT #189346
1882 S Caliente Rd
2 Palm Springs, CA 92264
ph: 760-969-8800
3 email: dlwright@gmx.com

4 Attorney for Plaintiff
5 Dan Hartmann

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

10 DAN HARTMANN
11 Plaintiff

No. CV-09-3227-WHA

12 vs.

STIPULATION AND
~~PROPOSED~~ ORDER TO
CONTINUE INITIAL
CASE MANAGEMENT
CONFERENCE

13 CHRISTIAN HANSON; ELEVEN UNKNOWN
DEPUTY UNITED STATES MARSHALS;
14 RIVERSIDE COUNTY; ROD PACHECO;
DAVID BRIAN GREENBERG; HAWLEE
15 KANE LARSON; ARMANDO MUNOZ;
CARREN ROBINSON; AND DOES I TO X,
16 inclusive
Defendants

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18 Plaintiff and Defendant Hanson (by special appearance of the U.S. Attorney) ask
19 the court to continue this case for at least 70 days.

20 Introduction

- 21 1. Plaintiff is Dan Hartmann; defendants are members of the U.S. Marshal's
22 Service, the Riverside District Attorney's Office, and the Riverside Sheriff's Office.
23 2. Plaintiff is suing defendants for a *Bivens* and related actions.
24 3. The case is set for a Case Management Conference on October 22, 2009.

25 Request for Continuance

- 26 4. Assistant United States Attorney James A Scharf hereby makes a special
27 appearance in this action for the sole and limited purpose of signing this stipulation
28

1 and requesting a continuance of the initial case management conference.

2 5. Federal defendant Christian Hanson received a copy of the summons and
3 complaint on August 12, 2009. However, F.R.C.P. 4 requires plaintiff to personally
4 serve both the individual defendants and the Office of the United States Attorney.
5 Assistant United States Attorney James A. Scharf will be served with a copy of the
6 summons and complaint. Defendant Hanson's response to the complaint will thus be
7 due 60 days after service on AUSA Scharf.

8 6. AUSA Scharf has advised that on October 10, 2009, the Office of the General
9 Counsel of the United States Marshals Service has requested the United States
10 Department of Justice to authorize the United States Attorney's Office for the Northern
11 District of California to represent the individual federal defendants in this action. The
12 United States Department of Justice has not yet responded to this request. Once the
13 United States Department of Justice approves the request for representation, AUSA
14 Scharf will promptly file an answer and make the required initial disclosures on behalf
15 of the federal defendants. AUSA Scharf will promptly respond to the complaint on
16 behalf of the federal defendant Hanson.

17 7. Additionally, Plaintiff's attorney is scheduled to be in court in Montana during
18 the week of the 19th, and will not be back in California in time to make the required
19 court appearance.

20 8. The attorney for the non-federal defendants, Bruce Disenhouse, started trial this
21 week and anticipates it continuing through next week.

22 9. Attorney for Plaintiff, AUSA Scharf, and Attorney Bruce Disenhouse agree to
23 this continuance. This Stipulation and proposed Order is submitted with the signatures
24 of Wright and Scharf; Disenhouse, being in trial, will sign it tonight or tomorrow and
25 it will be resubmitted with all three signatures.

1 Conclusion

2 11. Given the status of this case as summarized above, the parties jointly request that
3 the initial case management conference be continued for 70 days.

4 Dated: October 15, 2009

5 /S/ David L. Wright

6 David L. Wright
7 Attorney for Plaintiff Hartmann

8 /S/ James A Scharf

9 James A. Scharf
10 Assistant U.S. Attorney

11 Dated: October __, 2009

12 Bruce Disenhouse
13 Attorney for Defendants Pacheco,
14 Greenberg, Larson, Munoz, and
15 Robinson

16 ORDER

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18 The case management conference is hereby **CONTINUED** to **December 3, 2009, at**
19 **11:00 a.m.** Please file a joint case management statement at least seven days prior.

20 Dated: October 16, 2009.

