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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11 TIM GALLI,
12 Plaintiff,
13 vs.
14 PITTSBURG UNIFIED SCHOOL
15 DISTRICT, BARBARA WILSON and
16 PERCY MCGEE,
17 Defendants.

CASE NO. 3:09-cv-03775-JSW
**JOINT STIPULATION ON CASE
SCHEDULING AND ORDER THEREON**

18
19 **SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY**
20 **STIPULATE TO THE FOLLOWING:**

- 21 1. On October 9, 2009, the parties agreed to stipulate to various matters, including a
22 Case Management Conference on January 8, 2009, telephonically, subject to the Court's approval.
23 2. On October 10, 2009, the Court Ordered that a Case Management Conference will
24 be held, in person, on January 8, 2009.
25 3. Plaintiff was unavailable in person on January 8, 2009, the prior date set for the Case
26 Management Conference. The parties agreed, and the Court approved the agreement, to hold the
27 Initial Case Management Conference on January 29, 2010, in person.
28 4. On December 11, 2009, all parties, through their respective counsel of record,

1 engaged in the Rule 26 conference telephonically to discuss those items required by Rule 26(f)
2 including initial disclosures, early settlement, ADR process selection, and a discovery plan for the
3 above-referenced matter.

4 5. On December 18, 2009, all parties, through their respective counsel of record,
5 engaged in a follow-up teleconference to further discuss a discovery plan for the above-referenced
6 matter.

7 6. As part of the outcome of those two teleconferences and follow up correspondence
8 between the parties' counsel, the parties agreed to submit the instant matter to alternate dispute
9 resolution (specifically Early Neutral Evaluation ("ENE")) to attempt to resolve the matter, if
10 possible, in advance of the Case Management Conference.

11 7. Counsel for Defendants determined, through contact with the Court's ENE program,
12 that, with enough advanced notice, it may be possible to schedule ENE prior to the Case
13 Management Conference.

14 8. To accommodate Plaintiff's scheduling conflict and to allow for ENE and potential
15 early resolution if possible, the parties requested, and the Court granted their request, to extend the
16 Case Management Conference from January 29, 2010 to Friday, March 26, 2010.

17 9. The parties are pursuing claims related to this action in both state and federal court.
18 At present, the parties are briefing a motion on demurrer in Contra Costa County Superior Court.

19 10. The parties believe that having a ruling on the motion to demurrer, prior to ENE, will
20 greatly increase the effectiveness of ENE.

21 11. Thus, the parties request to move the Case Management Conference to May 7, 2010
22 and ENE to on or before May 6, 2010. The parties also request to move the deadline for their
23 respective Case Management Statements to April 30, 2010.

24 12. The parties have notified their ENE coordinator and requested to move ENE to May
25 6, 2010.

26 8. Discovery is ongoing, notwithstanding the delay in the Case Management
27 Conference.
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