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 8 CITY OF NEWARK

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 MICHAEL HARRINGTON,
 12 Plaintiff,
 13 vs.
 14 CITY OF NEWARK,
 15 Defendant.

Case No.: C-09-3787-MMC

16 **STIPULATION AND [PROPOSED] ORDER
 17 EXTENDING DEADLINE FOR PARTIES
 18 TO COMPLETE MEDIATION**

[N.D. ADR Local Rule 6-5]

19 **Complaint Filed: August 18, 2009**
Trial Date: Not Set

20 Plaintiff Michael Harrington ("Plaintiff") and Defendant City of Newark ("Defendant"),
 21 through their respective counsel, hereby stipulate and agree as follows:

22 WHEREAS, Plaintiff filed this action on August 24, 2009. Shortly thereafter, the case
 23 was assigned to the Northern District's ADR Multi-Option Program.

24 WHEREAS, on November 12, 2009, the parties stipulated to participate in mediation,
 25 pursuant to ADR Local Rule 3-5(c)(1).

26 WHEREAS, on November 16, 2009, the Court entered an order approving the parties'
 27 stipulation. The Court's order requires the parties to complete mediation by February 12, 2010.

28 WHEREAS, on December 12, 2009, the Court notified the parties of the appointment of
 mediator, Robert A. Edwards.

1 WHEREAS, on December 22, 2009, counsel for the parties and the mediator participated
2 in joint phone conference. During the phone conference, Mark Thomas, Plaintiff's counsel at the
3 time, informed the mediator and Defendant's counsel that, depending on circumstances, there
4 was a possibility that he may substitute out as counsel for Plaintiff. Consequently, the parties
5 and the mediator agreed that it would be premature to schedule a mediation session until the
6 issues concerning Plaintiff's legal representation were resolved.

7 WHEREAS, on January 6, 2010, the mediator sent an email to Mr. Thomas, inquiring
8 whether it would be possible to continue discussions regarding the scheduling of a mediation
9 session. A copy of the mediator's email is attached hereto as Exhibit A. Mr. Thomas did not
10 respond to the email.

11 WHEREAS, on January 25, 2010, Mr. Thomas filed a notice of substitution of attorneys,
12 indicating that Arkady Itkin would be substituting in as Plaintiff's counsel in this matter.

13 WHEREAS, given that this case was effectively on hold while Plaintiff was obtaining
14 new counsel, the parties have been unable to participate in – or, for that matter, even schedule – a
15 mediation session within the prescribed timeframe. Accordingly, now that Plaintiff has obtained
16 new legal representation, they seek a brief extension of time, pursuant to ADR Local Rule 6-5, in
17 order to participate in mediation.


18 NOW THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

- 19 1. That the February 12, 2010 deadline for the parties to complete mediation be
20 extended until March 31, 2010.

21 **IT IS SO STIPULATED.**

22
23 Dated: February 12, 2010

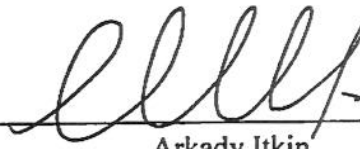
RENNE SLOAN HOLTZMAN SAKAI LLP

24
25 By: 

26 Timothy G. Yeung
27 Steve Cikes
28 Attorneys for Defendant City of Newark


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Dated: February 12, 2010

By: 
Arkady Itkin
Attorney for Plaintiff Michael Harrington

IT IS SO ORDERED.

Dated: February 19, ²⁰¹⁰~~2009~~


The Honorable Maxine M. Chesney
UNITED STATES DISTRICT COURT JUDGE

RENNE SLOAN HOLTZMAN SAKAI LLP
Attorneys at Law

From: Bob Edwards [mailto:r.edwards@comcast.net]
Sent: Wednesday, January 06, 2010 4:40 PM
To: Mark Thomas
Cc: Tim Yeung
Subject: Harrington v. City of Newark -- Mediation

Mark -

Per our pre-mediation conference call of December 22, 2009, and confirming my earlier voicemail today, I am inquiring as to the status of your investigation into whether it will be possible to continue our discussions regarding the scheduling or a mediation in the subject matter. Please advise

- Robert A. Edwards
Mediator
Law Office of Robert A. Edwards
19201 Sonoma Hwy. #111
Sonoma CA 95476
P: 707-933-9351
F: 707-939-9504

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EXHIBIT A