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 8 CITY OF NEWARK

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

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

Case No.: C-09-3787-MMC
ORDER RE:
STIPULATION AND [PROPOSED] ORDER
~~CONTINUING DEADLINE FOR PARTIES~~
TO FILE DISPOSITIVE MOTIONS

Complaint Filed: August 18, 2009
Trial Date: December 13, 2011

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

22 WHEREAS, Plaintiff filed this action on August 18, 2009. In his complaint, Plaintiff
 23 alleges that, during his employment as a police officer with the Newark Police Department,
 24 Defendant failed to adequately compensate him for all overtime hours worked, in violation of the
 25 Fair Labor Standards Act (“FLSA”).

26 WHEREAS, the parties in this action appeared for an initial case management conference
 27 on December 4, 2009. Following the CMC, the Court issued a Pretrial Preparation Order
 28 scheduling various deadlines in this matter, including a September 10, 2010 deadline for the

1 parties to file dispositive motions.

2 WHEREAS, on or about February 9, 2010, Plaintiff filed a separate action in Alameda
3 County Superior Court against Defendant and certain individual employees of the Newark Police
4 Department. In his state court complaint, Plaintiff asserts claims for negligence, defamation per
5 se and libel. He also asserts a claim for sexual orientation harassment and discrimination under
6 California's Fair Employment and Housing Act (Cal. Gov't Code § 12940 et seq.).

7 WHEREAS, starting on or about July 20, 2010, the parties initiated informal discussions
8 regarding the terms of a global settlement which would resolve this action and Plaintiff's state
9 court action in their entirety.

10 WHEREAS, to date, the parties have been unable to complete their settlement
11 discussions and will need an additional two to three weeks to do so. Accordingly, in light of
12 their pending settlement discussions and in order to avoid incurring additional and potentially
13 unnecessary fees and costs, the parties respectfully request that the September 10, 2010 deadline
14 to file dispositive motions in this matter be extended to October 1, 2010. This requested
15 extension will not impact any other deadlines currently scheduled in this matter. The next
16 scheduled date in this matter is a November 30, 2010 pretrial conference and the parties' jury
17 trial is scheduled to commence on December 13, 2010.

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

19 1. That the September 10, 2010 deadline for the parties to file dispositive motions in
20 this matter be continued until October 1, 2010.

21

22 **IT IS SO STIPULATED.**

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24 Dated: August 30, 2010

RENNE SLOAN HOLTZMAN SAKAI LLP

25

26

By: _____



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Timothy G. Yeung
Steve Cikes

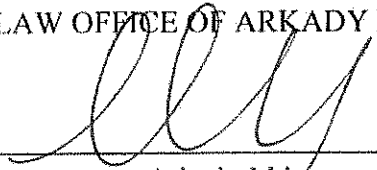
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Attorneys for Defendant City of Newark

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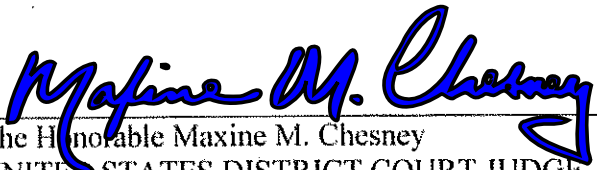
LAW OFFICE OF ARKADY ITKIN

Dated: August 30, 2010

By: 
Arkady Itkin
Attorney for Plaintiff Michael Harrington

Given the proximity of the resulting hearing date to the Pretrial Conference, there is no assurance the parties will be able to meaningfully prepare and submit their pretrial filings in advance of the Pretrial Conference. Accordingly, the stipulation is hereby DENIED without prejudice to further discussion at the Status Conference.
IT IS SO ORDERED.

Dated: September 15, 2010


The Honorable Maxine M. Chesney
UNITED STATES DISTRICT COURT JUDGE

RENNE SLOAN HOLTZMAN SAKAI LLP
Attorneys at Law