

1 SCHIFF HARDIN LLP
 BRUCE A. WAGMAN (CSB No. 159987)
 2 bwagman@schiffhardin.com
 LISA C. MCCURDY (CSB No. 228755)
 3 lmccurdy@schiffhardin.com
 One Market, Spear Street Tower
 4 Thirty-Second Floor
 San Francisco, CA 94105
 5 Telephone: (415) 901-8700
 Facsimile: (415) 901-8701
 6

7 Attorneys for Plaintiff
 CHARLES PODARAS

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 CHARLES PODARAS,
 14 Plaintiff,
 15 v.
 16 CITY OF MENLO PARK;
 DEPUTY DISTRICT ATTORNEY
 17 BRIAN DONNELLAN; OFFICER
 BURKE BRUTTIG and DOES 1-25,
 18 inclusive.
 19 Defendants.

Case No. CV 09-04199 SI

**STIPULATION AND [PROPOSED]
 ORDER REGARDING PLAINTIFF'S
 SUBMISSION OF CONSOLIDATED
 OPPOSITION BRIEF IN RESPONSE
 TO DEFENDANTS' MOTIONS TO
 DISMISS**

20
 21 Defendants City of Menlo Park and Burke Bruttig have filed a joint motion
 22 to dismiss Plaintiff's action, and Defendant Deputy District Attorney Brian
 23 Donnellan has filed a separate motion to dismiss. Because there are significant
 24 identical factual and legal issues presented by the two motions, and in the interest of
 25 judicial economy, the parties propose the following stipulation.

26 Plaintiff Charles Podaras and defendants City of Menlo Park, Deputy District
 27 Attorney Brian Donnellan, and Officer Burke Bruttig, through their respective
 28

1 attorneys, hereby stipulate and jointly move this Court to enter an Order allowing
2 Mr. Podaras to file one consolidated opposition brief of no more than 30 pages in
3 length in response to the two motions to dismiss filed in response to Plaintiff's
4 Complaint, one filed on behalf of City of Menlo Park and Burke Bruttig, and the
5 other filed on behalf of Deputy District Attorney Brian Donnellan.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SO STIPULATED.

Dated: November 20, 2009

SCHIFF HARDIN LLP

By: /s/ Lisa C. McCurdy

Bruce A. Wagman
Lisa C. McCurdy
Attorneys for Plaintiff

Dated: November 20, 2009

McCLURE & FLEGEL, LLP

By: /s/ Nicolas A. Flegel

Nicolas A. Flegel
Attorneys for Defendants City of
Menlo Park and Officer Burke
Bruttig

Dated: November 20, 2009

COUNTY COUNSEL FOR COUNTY
OF SAN MATEO

By: /s/ Carol L. Woodward

Carol L. Woodward
Attorney for Defendant Deputy
District Attorney Brian Donnellan

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL ORDER NO. 45 DECLARATION: I, Lisa McCurdy, do hereby attest that that concurrence in the filing of the document has been obtained from each of the other signatories identified above.

Dated: November 20, 2009

SCHIFF HARDIN LLP

By: /s/ Lisa C. McCurdy
Bruce A. Wagman
Lisa C. McCurdy
Attorneys for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November __, 2009

By: 
Hon. Susan Illston
United States District Court

SF9508711.1