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6 Attorneys for Defendant
 WEST BAY SANITARY DISTRICT
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
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11 MICHAEL DOUGLAS, an individual; LISA
 DOUGLAS, an individual; MICHAEL
 12 DOUGLAS, as Trustee of the Douglas Family
 Trust; LISA DOUGLAS, as Trustee of the
 13 Douglas Family Trust,

14 Plaintiffs,

15 vs.

16 TOWN OF PORTOLA VALLEY, a public
 entity; WEST BAY SANITARY DISTRICT;
 17 CHRISTOPHER BUJA, an individual;
 GEORGE MADER, an individual; LUIS
 18 MEJIA, an individual; SAUSAL CREEK
 ASSOCIATES; and DOES 1 through 50,

19 Defendants.
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CASE NO. C09-04788-CRB

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND TIME TO
 RESPOND TO COMPLAINT; DECLARATION
 OF BARBARA H. CHOI IN SUPPORT;
 21 ~~PROPOSED~~ ORDER**

[Civ. Local Rule 6-2; 7-12]

22 Plaintiffs, Michael and Lisa Douglas, as individuals and as Trustees of the Douglas Family Trust,
 23 and Defendants Town of Portola Valley, George Mader, West Bay Sanitary District, Christopher Buja,
 24 and Luis Mejia, parties to the above-entitled action by and through their attorneys of record, hereby
 25 agree and stipulate to continue the following dates:

- 26 1. Case Management Conference from January 22 to March 26, 2010 (approximately 60
 27 days);
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1 2. Defendants' time to respond to the Complaint to occur 10 days after notice of the Court's
2 ruling on Defendants Town of Portola Valley's and George Mader's Motion to Dismiss Complaint, or
3 20 days after Plaintiffs serve an amended pleading, if any.

4 Good cause exists to continue the Case Management Conference date of January 22, 2009. In
5 order to adhere to this deadline, Defendants are required to meet and confer by January 4th and prepare
6 initial disclosures by January 15th. With the exception of Defendants Town of Portola Valley and
7 George Mader, who responded to the Complaint by filing a Motion to Dismiss, set for hearing on
8 January 15, the other Defendants participating in this stipulation have an extension to respond to the
9 Complaint. Based on the different agreements among the respective Defendants and Plaintiffs, and by
10 court order, the various Defendants' responses to the Complaint are due on different dates between
11 December 18 and January 19. Continuing the Case Management Conference date for approximately 60
12 days, to March 26, 2009, would promote case efficiency and judicial economy. The parties would then
13 have an opportunity to respond to the Complaint by way of an answer or motion, in which they could
14 seek to dispose of some, if not all, of the legal issues posed in the Complaint before the Case
15 Management Conference and related initial disclosures are due. If a particular Defendant chooses to
16 respond by way of a motion to dismiss, such as Town of Portola Valley and George Mader have already
17 done in this case, that Defendant can then await the Court's ruling on the motion or an amended
18 complaint, if any, prior to incurring the expense of preparing initial disclosures. The Case Management
19 Conference and its related requirements should thus be continued until after all Defendants have had a
20 chance to respond to the Complaint.

21 Good cause also exists to continue the remaining served Defendants' response date to a single
22 uniform date to correspond to the pending ruling on Town of Portola Valley's and George Mader's
23 Motion to Dismiss. The arguments raised by these two Defendants may impact all parties to this action.
24 Depending on the Court's ruling on that motion, the federal law claims may be significantly curtailed, if
25 not dismissed, limiting the issues to which the other Defendants may need to respond. Continuing the
26 various Defendants' response dates until after the Court's notice of ruling on Defendant Town of Portola
27 Valley's and George Mader's Motion to Dismiss, or service of an amended complaint, if any, thus
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1 furthers judicial economy. Plaintiffs acknowledge that coordinating the various Defendants' responses
2 to a single deadline also promotes case efficiency. In addition, Plaintiffs are still in the process of
3 serving Defendant Sausal Creek Associates, which is further reason why it would be judicially
4 economical to extend the Case Management Conference date.

5 Good cause exists to: 1) continue the Case Management Conference date of January 22, 2009, to
6 approximately 60 days, to March 26, 2009, and 2) continue the date to respond to the Complaint to those
7 applicable Defendants to 10 days after notice of the Court's ruling on the pending Motion to Dismiss by
8 Defendants Town of Portola Valley and George Mader, or within 20 days of service of an amended
9 pleading, as further supported in the Declaration of Barbara H. Choi below.

10 It Is So Stipulated by the parties below. This Stipulation will be signed in counterparts and
11 copies thereof are considered as valid as the original.

12 ATCHISON, BARISONE, CONDOTTI &
13 KOVACEVICH

14 Dated: December 17, 2009

15 By: _____/S/_____
16 BARBARA H. CHOI
17 Attorneys for Defendant
18 WEST BAY SANITARY DISTRICT

17 JORGENSON, SIEGEL,
18 McCLURE & FLEGEL, LLP

19 Dated: December 16, 2009

20 By: _____/S/_____
21 JOHN FLEGEL
22 Attorneys for Defendants
23 TOWN OF PORTOLA VALLEY
24 and GEORGE MADER

23 KERR & WAGSTAFFE LLP

25 Dated: December 16, 2009

26 By: _____/S/_____
27 IVO LABAR
28 Attorneys for Defendant
CHRISTOPHER BUJA

1 HOWREY LLP

2
3 Dated: December 17, 2009

By: _____/S/_____
4 TERESA M. CORBIN
Attorneys for Defendant
5 LUIS MEJIA

6 KASS & KASS LAW OFFICES

7
8 Dated: December 18, 2009

By: _____/S/_____
9 BRADLEY MARK KASS
Attorneys for Plaintiffs
10 MICHAEL DOUGLAS
and LISA DOUGLAS

11
12 DECLARATION OF BARBARA H. CHOI

13 I, Barbara H. Choi declare as follows:

14 1. I am an attorney at law duly admitted to practice before this Court and am an associate in
15 the law firm of Atchison, Barisone, Condotti & Kovacevich, attorney of record herein for defendant,
16 West Bay Sanitary District (“District”). I have personal knowledge of the matters herein and if called,
17 can competently testify regarding the matters stated herein in support of this stipulation.

18 2. On or about November 13, 2009, I spoke with Plaintiffs’ counsel, Bradley Kass, about
19 the issues raised in the complaint against the District. I advised him that I viewed the claims against the
20 District as without merit and that I intended to file a motion to dismiss and request sanctions. He agreed
21 to revisit the claims alleged against the District and would get back to me. In the meantime, Plaintiffs’
22 counsel gave the District an extension of time to respond to the complaint to December 18, 2009.

23 3. On December 1, 2009, concerned that I had not yet heard from Mr. Kass, I asked him to
24 contact me immediately since the time for filing the District’s response was soon due. Shortly
25 thereafter, Mr. Kass contacted me and advised me that he had given extensions of time to respond to
26 other defendants in the case to sometime in January and that he was agreeable to further extend the
27 District’s response deadline. During this discussion we agreed that the Case Management Conference
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1 would then need to be extended so that the initial disclosures need not be prepared until after the various
2 defendants responded to the complaint and narrowed the issues.

3 4. On December 11, 2009, Luis Mejia's attorney for purposes of this stipulation only,
4 Teresa Corbin, contacted me. She advised me that she had also spoken with Mr. Kass recently and that
5 Mr. Kass agreed to a stipulation of all parties to a continuance of the Case Management Conference for
6 approximately 60 days, and also to a continuance of the Defendants' deadline to respond to the
7 complaint until after notice of the Court's ruling on the Town of Portola Valley's Motion to Dismiss.
8 That same afternoon, Ms. Corbin set up a conference call with the other attorneys representing the
9 different Defendants in this case to discuss the stipulation: attorney for Defendant Chris Buja and
10 attorney for Defendants' Town of Portola Valley and George Mader. Ms. Corbin and I spoke to Nicolas
11 Flegel, counsel for Defendants Town of Portola Valley and George Mader. He agreed to the stipulation.
12 Ms. Corbin left Defendant Chris Buja's attorney a message, since he was not available to participate in
13 the conference call. Ms. Corbin advised me that Plaintiff's counsel had told her that Defendant Sausal
14 Creek Associates had not yet been served with the complaint, so we did not contact that agency. On
15 December 15, 2009, Ms. Corbin advised me that Chris Buja's counsel, James Wagstaffe, notified her
16 that his client, Chris Buja, was in agreement with the proposed stipulation.

17 5. On December 15, 2009, I forwarded a draft version of this Stipulation to Plaintiffs'
18 counsel, to counsel for Defendants' Town of Portola Valley and George Mader, counsel for Defendant
19 Chris Buja, and counsel for Defendant Luis Mejia for their review and approval. After conferring with
20 the parties to this Stipulation and incorporating suggested changes to it, in particular those made by
21 Plaintiffs' counsel, Bradley Kass, I forwarded the final version for the parties' approval on December
22 16, 2009. I now submit this Stipulation to the Court based on the approval of all of these parties for the
23 requested continuances, as reflected by their signatures to this Stipulation.

24 I declare under penalty of perjury that the foregoing is true and correct.
25

26 Dated: December 17, 2009

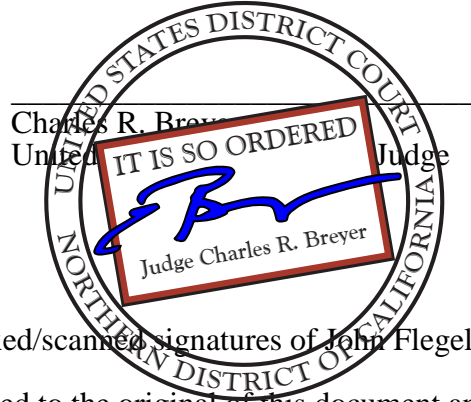
By: _____/S/_____
BARBARA H. CHOI

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1 ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED, that there is good cause to continue the
3 Case Management Conference from January 22 to March 26, 2009 at 8:30 a.m. Further, a response to
4 Plaintiffs' complaint by Defendants West Bay Sanitary District, Chris Buja, and Luis Mejia, is extended
5 to ten days after notice of the Court's ruling on Defendants Town of Portola Valley's and George
6 Mader's Motion to Dismiss, or within twenty days after service of any amended pleading by Plaintiffs.

7
8 Dated: January 5, 2010



13 I, Barbara H. Choi, hereby attest that the faxed/scanned signatures of John Flegel, Ivo Labar,
14 Teresa M. Corbin, and Bradley Mark Kass are affixed to the original of this document and that said
15 original document is located in the Offices of Atchison, Barisone, Condotti & Kovacevich, 333 Church
16 Street, Santa Cruz, CA 95060.

17 ATCHISON, BARISONE, CONDOTTI &
18 KOVACEVICH

19 Dated: December 18, 2009

20 By: _____/S/
21 BARBARA H. CHOI