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6 Attorneys for Defendant
 WEST BAY SANITARY DISTRICT
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

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; SPANGLE
 ASSOCIATES, a corporation; LUIS MEJIA,
 18 an individual; SAUSAL CREEK
 ASSOCIATES; and DOES 1 through 50,
 19

20 Defendants.

CASE NO. C09-04788-CRB

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE:
 DECLARATION OF BARBARA H. CHOI IN
 SUPPORT;
 [PROPOSED] ORDER**

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

21
 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 Luis Mejia, and Sausal Creek Associates, parties to the above-entitled action by and through their
 25 attorneys of record, hereby agree and stipulate to continue the following date:

- 26 1. Case Management Conference from March 26, 2010 to (approximately 60 days) at least
 27 30 days after notice of the Court's ruling on the pending Motions to Dismiss the First Amended
 28

1 Complaint separately filed by defendants, 1)Town of Portola Valley, George Mader, and Spangle
2 Associates; 2)West Bay Sanitary District; and 3) Christopher Buja. The hearing on these three separate
3 Motions to Dismiss are set for hearing on April 16, 2010.

4 Good cause exists to continue the Case Management Conference date of March 26, 2010. In
5 order to adhere to this deadline, Defendants would have had to meet and confer and file an ADR
6 Certification by March 5th. Initial disclosures and a joint case management conference statement would
7 have had to be filed by March 19th. Due to plaintiffs' recent filing of their First Amended Complaint,
8 with some of the Defendants responding by way of a Motion to Dismiss, and with another Defendant,
9 Luis Mejia, having an agreement with Plaintiffs to a continuance to respond for 60 days until May1,
10 2010, the case is not yet at issue to conduct a Case Management Conference. It is premature at this time
11 to expend the court's and parties' resources to proceed with filing a joint statement and preparing initial
12 disclosures to meet the existing Case Management Conference date. Continuing the Case Management
13 Conference will promote case efficiency and judicial economy. The Court's ruling on the Motions to
14 Dismiss may eliminate some, if not all, of the legal issues posed in the First Amended Complaint. As
15 such, the Court's ruling may directly impact what issues the parties will need to address for a future
16 Case Management Conference and related initial disclosures. In addition, Plaintiffs are still in the
17 process of serving Defendant Sausal Creek Associates, making it judicially economical to extend the
18 Case Management Conference date.

19 This Court approved an earlier stipulation to continue the original Case Management Conference
20 date due to the pendency of a motion to dismiss the original complaint in this action. This new
21 stipulation is also based on necessity and on good cause.

22 Good cause, therefore, exists to: 1) continue the Case Management Conference date of March
23 26, 2010, to approximately 60 days, to at least June 4, 2010. It is anticipated that this will allow
24 sufficient time for the parties to receive notice of the Court's ruling on the pending motions to dismiss,
25 to allow the lapse of the 60 day continuance for a response given by plaintiffs to some of the defendants,
26 to meet and confer with counsel, and to prepare a joint statement, file an ADR Certification, and file
27 initial disclosures prior to the new Case Management Conference date.

1 It is so stipulated by the parties below. This Stipulation will be signed in counterparts and copies
2 thereof are considered as valid as the original.

3
4 ATCHISON, BARISONE, CONDOTTI &
KOVACEVICH

5
6 Dated: March 18, 2010

7 By: _____/S/_____
8 BARBARA H. CHOI
9 Attorneys for Defendant
10 WEST BAY SANITARY DISTRICT

11
12 JORGENSON, SIEGEL,
13 McCLURE & FLEGEL, LLP

14 Dated: March 18, 2010

15 By: _____/S/_____
16 JOHN FLEGEL
17 Attorneys for Defendants
18 TOWN OF PORTOLA VALLEY,
19 GEORGE MADER, and SPANGLE ASSOCIATES

20
21 KERR & WAGSTAFFE LLP

22 Dated: March 19, 2010

23 By: _____/S/_____
24 IVO LABAR
25 Attorneys for Defendant
26 CHRISTOPHER BUJA

27
28 HOWREY LLP

Dated: March 18, 2010

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

1 KASS & KASS LAW OFFICES

2
3 Dated: March 19, 2010

By: _____/S/_____
4 BRADLEY MARK KASS
Attorneys for Plaintiffs
5 MICHAEL DOUGLAS and LISA DOUGLAS

6 DECLARATION OF BARBARA H. CHOI

7 I, Barbara H. Choi declare as follows:

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

12 2. On or about the end of February, 2010, Plaintiffs’ counsel, Bradley Kass, contacted me
13 asking if I would agree to a temporary stay of the pleadings and court deadlines in this case for 60 days
14 to try to informally resolve the issues raised in the original Complaint and First Amended Complaint
15 against the District. He informed me that defendant Town of Portola Valley had agreed to his proposal
16 and that he was making a similar request of all defendants in the action. If all parties consented, he
17 stated that he would prepare and file a stipulation to seek court approval. I advised him that I would be
18 interested in the temporary stay and hoped that the time could be used effectively to dispose of the
19 claims against the District. In view of the proposal and the time needed to effectuate it, Plaintiffs’
20 counsel agreed that that the upcoming deadline of March 10, 2010 for responding to the First Amended
21 Complaint was no longer applicable to defendant West Bay Sanitary District.

22 3. Shortly thereafter on March 2, 2010, I spoke to Teresa Corbin, Luis Mejia’s attorney for
23 purposes of this stipulation only. She advised me that she had also agreed to Mr. Kass’ proposal and
24 that he had agreed to continue the response due date for her client for 60 days.

25 4. In the ensuing days, the parties who had agreed to the continuance awaited Mr. Kass to
26 prepare and forward the stipulation.

1 5. On March 5, attorney for defendant, Christopher Buja, notified all parties that his client
2 was not agreeing to the proposed stipulation and was proceeding with filing a motion to dismiss the
3 following week. Shortly thereafter, Nicolas Flegel, the Town of Portola Valley's attorney, also notified
4 the parties that his client was proceeding with filing a motion to dismiss, rather than agreeing to the
5 stipulation.

6 6. Concerned that I had not yet received the proposed stipulation for a continuance of the
7 court proceedings from Mr. Kass, I notified Mr. Kass that the District was also filing a motion to dismiss
8 so that it could be heard on the same date as the others on April 16. Mr. Kass contacted me stating that
9 his delay in preparing the stipulation was due to his awaiting defendant Christopher Buja's response to
10 his proposal. Since he had finally received that, he was intending to proceed with preparing the
11 stipulation when he received news that the Town of Portola Valley and then West Bay Sanitary District
12 were also filing motions to dismiss.

13 7. In view of the pending motions to dismiss filed by five of the defendants and plaintiffs'
14 agreement with another defendant to an extension of time to respond to the First Amended Complaint,
15 the parties to this stipulation agree and jointly request that the Case Management Conference be
16 continued. Thus parties can avoid expending their resources and not prepare a joint statement nor initial
17 disclosures until after the Court's ruling on the pending motions to dismiss, which may possibly narrow
18 the legal issues. I was also informed by Mr. Kass that he has not yet been able to successfully serve
19 defendant Sausal Creek Associates.

20 8. On March 18, 2010, I forwarded this Stipulation to Plaintiffs' counsel, to counsel for
21 Defendants' Town of Portola Valley, George Mader and Spangle Associates, counsel for Defendant
22 Chris Buja, and counsel for Defendant Luis Mejia for their review and approval. I submit this
23 Stipulation to the Court based on the approval of all of these parties for the requested continuance of the
24 Case Management Conference, as reflected by their signatures to this Stipulation.

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

26
27 Dated: March 18, 2010

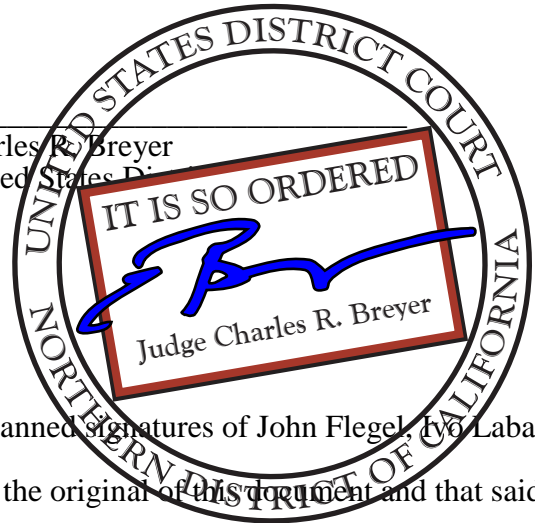
By: _____/S/
BARBARA H. CHOI

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, that there is good cause to continue the Case Management Conference from March 26, 2010 to June 4, 2010 at 8:30 a.m.

Dated: March 24, 2010

Charles R. Breyer
United States District Judge



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

ATCHISON, BARISONE, CONDOTTI &
KOVACEVICH

Dated: March 22, 2010

By: _____/S/
BARBARA H. CHOI