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 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION
 18

19 BENHAM HALALI,

20 Plaintiff,

21 v.

22 UNITED STATES OF AMERICA ET AL.,

23 Defendants.

No. 09-4900 RS

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND
 MEDIATION DEADLINE**

24
 25 IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval of
 26 the Court, that the date for completing Court appointed mediation in this case (currently set for
 27 September 10, 2010) be continued to December 31, 2010 and that the telephonic Case
 28 Management Conference (currently scheduled for October 7, 2010) be continued to January 13,

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE CMC AND MEDIATION DEADLINE
 C09-4900 RS

1 2011 or a later date selected by the Court. This stipulation was agreed to by the parties (and is
2 acceptable to the Court appointed mediator in the case) because the parties held an initial
3 mediation session on September 2, 2010 and were not able to settle the case but did agree to
4 agree on a plan for some focused discovery followed by another mediation session. The parties
5 held a telephone conference with the mediator on September 8, 2010 and subsequently agreed to
6 hold a second mediation session on December 14, 2010.

7 As the Court may recall, this case arises from an automobile accident that took place on
8 December 19, 2007 between Plaintiff Benham Halali and an FBI Victim Specialist named
9 Christina Bous. The discovery that the parties intend to take prior to the next mediation includes
10 the following: (1) Plaintiff will execute authorizations for the release of medical records and
11 Defendant will subpoena Plaintiff's medical records, (2) Defendant has requested photographs
12 from the CHP that the parties believe were taken after the accident and will provide copies to
13 Plaintiff, (3) the parties will conduct depositions of Plaintiff, Ms. Bous, the CHP officer who
14 investigated the accident, and possibly one or two other parties (i.e. one of Plaintiff's medical
15 providers), (4) Plaintiff will assist in obtaining further documentation from Plaintiff's employer
16 regarding Plaintiff's claim for lost income, and (5) the parties will work in good faith to
17 cooperatively address any other focused discovery that either party believes in good faith to be
18 necessary to evaluate the case for settlement purposes. The parties believe that this discovery
19 plan is one that can be achieved prior to the next mediation and that it is in the best interest of the
20 parties to see if the case can be resolved after the parties have taken the discovery and exchanged
21 the information set forth in their plan. The parties thus seek the Court's approval of a schedule
22 that would allow this plan to go forward.

23 The mediator has already confirmed the mediation for December 14, 2010. The request to
24 have the mediation deadline continued until December 31, 2010 is to permit the mediator to
25 remain involved should the parties need some further assistance in the days following the
26 December 14, 2010 mediation. The parties do not believe that any other dates set by the Court
27 would need to be continued as a result of this stipulation.

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