

1 TUCKER ELLIS & WEST LLP
 LAWRENCE A. CALLAGHAN - STATE BAR NO. 53258
 2 TIMOTHY C. CONNOR – STATE BAR NO. 236529
 135 Main Street, Suite 700
 3 San Francisco, California 94105
 Telephone: 415.617.2400
 4 Facsimile: 415.617.2409

5 Attorneys for Plaintiff
 JOHN DOHERTY

6 TERESA L. HIGHSMITH, STATE BAR NO. 155262
 7 LAURA ZAGAROLI, STATE BAR NO. 251682
 Office of the City Attorney
 8 2263 Santa Clara Avenue, Room 280
 Alameda, CA 94501-4477
 9 Telephone: 415.747.4750
 Facsimile: 415.747-4767

10 GREGORY M. FOX, STATE BAR NO. 70876
 11 BERTRAND, FOX & ELLIOT
 The Waterfront Building
 12 2749 Hyde Street
 San Francisco, CA 94109
 13 Telephone: 415.353.0999
 Facsimile 415.353.0990

14 Attorneys for Defendant/Counterclaimant
 15 CITY OF ALAMEDA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

18 JOHN DOHERTY,
 19 Plaintiff,
 20 v.

21 CITY OF ALAMEDA and CITY OF
 22 ALAMEDA HOUSING AND BUILDING
 CODE HEARING AND APPEALS BOARD,
 23 Defendants.

Case No. CV09 4961 EDL

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE DEADLINE TO
 MEDIATE AND STAY CIVIL
 PROCEEDINGS AND VACATE TRIAL
 DATE PENDING COMPLETION OF
 COURT ORDERED MEDIATION.**

26 Pursuant to the Court’s Order the parties met with Mediator Frederick Hertz at the United
 27 States Court House in Oakland on Friday December 3. Specially appearing for purposes of
 28 representation during the mediation for plaintiff was attorney Timothy O. Connor along with Mr.

1 Doherty pro se. Appearing for the defendants was Gregory Fox and Laura Zagaroli as well as
2 the City of Alameda Building Official Gregory McFann. The session was productive thanks to
3 the assistance of Mediator Hertz and the parties agreed on a fact finding process that will
4 facilitate the mediation process but will take approximately six weeks given the holiday season.
5 The parties and Mr. Hertz have agreed to a second formal mediation session in February 2011.
6 The parties have agreed, and Mediator Hertz concurs, that to facilitate settlement negotiations,
7 the fact finding process and the next mediation session in February 2011 that a Stipulation for an
8 Order extending the time to complete Mediation and staying all discovery, motions and vacating
9 the current trial date pending completion of mediation is appropriate. Such an extension and stay
10 will allow the parties to concentrate their efforts on conflict resolution and save money during a
11 time of fiscal crisis for all concerned.

12 Therefore, based on this good cause the parties respectfully request and Stipulate that the
13 Court order the following:

- 14 1. The time to mediate the case is extended to February 28, 2011. If additional time is
15 necessary to complete mediation the parties will so advise the Court by a further
16 stipulation to be filed on or before February 28, 2011.
- 17 2. All discovery, including expert discovery, and the time for filing motions for summary
18 judgment are stayed pending the completion of the mediation process and will be re-set if
19 the mediation process is unsuccessful.
- 20 3. The trial date of May 23 is vacated.
- 21 4. The parties to appear for a case management conference on Tuesday March 1, 2011 for a
22 new trial date if the mediation is unsuccessful. A joint statement to be filed by February
23 22, 2011.
- 24 5. Mediator Hertz will provide a letter to the Court supporting good cause for this
25 stipulation if the Court believes such a letter is necessary.

