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15				
16	UNITED STATES DISTRICT COURT			
17	NORTHERN DISTRICT OF CALIFORNIA			
18	JOHN DOHERTY,	Case No. CV09 4961 EDL		
19	Plaintiff,	STIPULATION AND [PROPOSED] ORDER TO CONTINUE DEADLINE TO		
20	v.	MEDIATE AND STAY CIVIL PROCEEDINGS AND VACATE TRIAL		
21	CITY OF ALAMEDA and CITY OF ALAMEDA HOUSING AND BUILDING CODE HEARING AND APPEALS BOARD,	DATE PENDING COMPLETION OF COURT ORDERED MEDIATION.		
22				
23	Defendants.			
24				
25				
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 Decen	mber 3. Specially appearing for purposes of		
28	representation during the mediation for plaintif	f was attorney Timothy O. Connor along with Mr.		
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		Dockets.Justia.co		

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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	he current trial date pending completion of mediation is appropriate. Such an extension and stay		
10	ill allow the parties to concentrate their efforts on conflict resolution and save money during a		
11	ne 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.		
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28			
	2. STIPULATION TO CONTINUE DEADLINE TO MEDIATE		

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3	SO STIPULATED.		
4			
5	Dated: December 15, 2010	BERTRAND, FOX & ELLIOT	
6			
7		By: /s/ Gregory M. Fox	
8		Attorneys for Defendant CITY OF ALAMEDA	
9			
10	Dated: December 15, 2010 E	By: /s/ Laura Zagaroli Attorney, for Defendent	
11		Attorney for Defendant CITY OF ALAMEDA	
12			
13		TUCKER ELLIS & WEST LLP	
14	Datadi Dacambar 15, 2011		
15	Dated: December 15, 2011 E	By: /s/ Lawrence A. Callaghan Timothy C. Connor	
16		TUCKER ELLIS & WEST LLP Attorneys for Plaintiff	
17		JOHN DOHERTY	
18	ATTORNEY ATTESTATION		
19	I hereby attest that I have on file all holograph signatures for any signatures indicated by		
20	a conformed signature ("/s/") within this E-filed document.		
21	Dated: December 15, 2010		
22	$\overline{C}$	/s/ Gregory M. Fox	
23 24		RDER	
24 25	<u>ORDER</u>		
23 26	PURSUANT TO STIPULATION, IT IS SO ORDERED:		
20	Dated:December 16, 2010	Elizah R. D. Lepote	
28		Hon. Elizabeth D. Laporte United States District Court Judge	
	3.		
	STIPULATION TO CONTINUE DEADLINE TO MEDIATE		