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7 Attorneys for Defendants
 8 CITY AND COUNTY OF SAN FRANCISCO AND
 SHERIFF MICHAEL HENNESSEY
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10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 KEVIN HEUER,
 14 Plaintiff,
 15 vs.
 16 CITY AND COUNTY OF SAN
 FRANCISCO; MICHAEL HENNESSEY, in
 17 His Capacity as Sheriff of the City and County
 of San Francisco; and Does 1-25, inclusive,
 18 Defendants.
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Case No. CV 09-5331 CRB

**STIPULATION AND PROPOSED ORDER
 CONTINUING TRIAL DATE**

Trial Date: November 15, 2010
 Proposed Trial Date: February 14, 2011

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 28 STIPULATION AND PROPOSED ORDER
 RE CONTINUANCE -- Case No. CV 09-5331

1 Plaintiff Kevin Heuer and Defendant City and County of San Francisco hereby request that the
2 Court continue the trial date in this matter. The trial is currently set for November 15, 2010. The
3 Parties request a trial date on or after February 14, 2011.

4 The only other date currently on calendar is the October 26, 2010 pre-trial conference.

5 Good cause exists for the continuance for the following reasons:

6 The parties expended considerable time and energy in ADR proceedings in this matter. After
7 extensive preparation, the parties mediated the case with Steven J. Rosenberg on May 5, 2010.

8 Following the mediation, Plaintiff contemplated staying this matter pending the Department's
9 further promotional selections from the list he is on. Plaintiff has now determined that he wishes to
10 proceed rather than request a stay of proceedings. Plaintiff's counsel informed the City of that
11 determination on July 20.

12 Plaintiff's counsel has been involved in significant litigation in Southern California throughout
13 the last several months. Counsel for the City has a two week foreign vacation set for August 8 and a
14 trial set for early September. The City has issued written discovery and is set to conduct Plaintiff's
15 deposition on August 27.

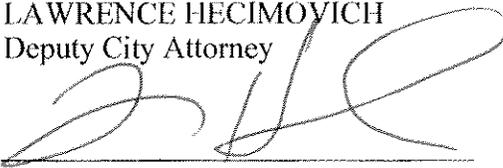
16 The City contemplates moving for summary judgment after conducting Plaintiff's deposition.
17 Plaintiff has informed the City of his intent to depose Sherriff Hennessey and other relevant witnesses.

18 This is the Parties' first request for a continuance. Neither Party will be prejudiced by a
19 continuance.

1 Accordingly, the parties request that the Court continue the trial date to a date convenient for
2 the Court.

3 Dated: July 23, 2010

4 DENNIS J. HERRERA
5 City Attorney
6 ELIZABETH S. SALVESON
7 Chief Labor Attorney
8 LAWRENCE HECIMOVICH
9 Deputy City Attorney

10 By: 
11 LAWRENCE HECIMOVICH
12 Attorneys for Defendant
13 CITY AND COUNTY OF SAN FRANCISCO

14 Dated: July 23, 2010

15 RAINS, LUCIA, STERN P.C.
16 HARRY STERN
17 ELLEN P. ROSENBLUTH

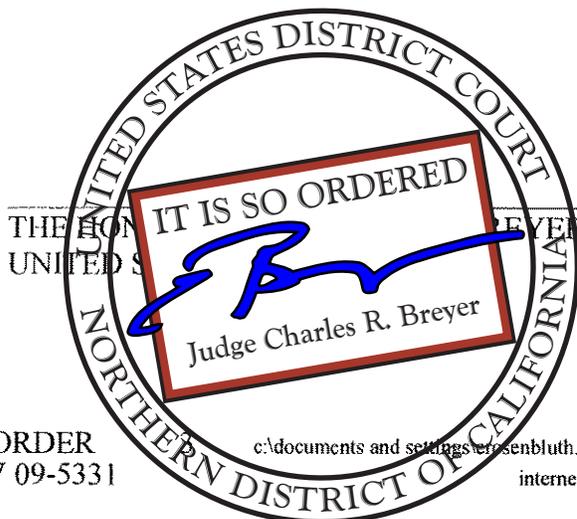
18 By: 
19 ELLEN P. ROSENBLUTH
20 Attorneys for Plaintiff
21 KEVIN HEUER

22 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED** that:

- 23 1. The Court continue the November 15, 2010 trial date to Feb 14, 2011 @ 8:30 a.m.
24 2. The Court reset the October 26, 2010 Pre-Trial Conference to Feb. 8, 2011 @ 2:30 p.m.

25 **SO ORDERED:**

26 Dated: July 26, 2010



28 **STIPULATION AND PROPOSED ORDER**
RE CONTINUANCE -- Case No. CV 09-5331