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19 OAKLAND UNIFIED SCHOOL DISTRICT

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JANE TYSKA, an individual,

Plaintiff,

v.

OAKLAND UNIFIED SCHOOL DISTRICT,
ART MICHEL, and DOES 1-20, inclusive,

Defendant.

Case No.: 09-cv-05727-MEJ

**AMENDED STIPULATION AND
[PROPOSED] ORDER CONTINUING
CMC AND RESPONSE DATES PENDING
MEDIATION**

WHEREAS the complaint in this action was filed on December 4, 2009, the Joint Case Management Conference Statement and the parties Rule 26(f) Reports were due March 4, 2010, and a Case Management Conference was scheduled for 10:00 a.m. on March 11, 2010;

WHEREAS Defendant Oakland School District has been served a copy of the complaint, but defendant Art Michel has not been served a copy of the complaint,

AMENDED STIPULATION AND [PROPOSED] ORDER CONTINUING CMC AND RESPONSE DATES PENDING MEDIATION, CASE NO.: 09-CV-05727-MEJ

1 WHEREAS, the plaintiff and served defendant desire to mediate this matter through
2 JAMS, and to do so prior to incurring any additional costs and fees through the filing of
3 responsive pleadings, discovery, service of process or other court proceedings. Moreover,
4 service of the complaint on defendant Art Michel is not necessary for the purposes of a
5 meaningful mediation, though plaintiff has been negotiating with defendant Michel's attorney to
6 effect service.

7 WHEREAS, the parties entered into a stipulation, signed by this Court on March 8, 2010
8 (Dkt. #6), staying all proceedings pending a mediation to be scheduled on or before May 28,
9 2010. The parties by this Amended Stipulation and Proposed Order seek to modify the dates set
10 by the March 8, 2010 Order so to allow the mediation process to occur without incurring
11 additional costs and attorney fees.

12 WHEREAS, the plaintiff and served defendant have signed agreements with JAMS to
13 mediate this matter on June 2, 2010, using the services of the Honorable David A. Garcia (Ret.).

14 IT IS STIPULATED that all pleadings, responses thereto, and discovery will be stayed
15 and held in abeyance pending the outcome of mediation; that the limitation date prescribed by
16 Federal Rule of Civil Procedure 4(m) will be stayed until July 30, 2010; and that the Case
17 Management Conference scheduled for 10:00 a.m. on June 17, 2010, will be continued to 10:00
18 a.m. on July 8, 2010. All other deadlines specified in the Court's December 4, 2009 Order
19 Setting Initial Case Management Conference and ADR Deadlines and the Case Management
20 Standing Order for Magistrate Judge Maria-Elena James shall be continued accordingly.

21 Dated: April 13, 2010

GROSS BELSKY ALONSO LLP

22 By: 
23 BEN FEUER, Esq.

24 Attorneys for Plaintiff JAYNE TYSKA

25 Dated: April 13, 2010

26 STUBBS & LEONE

27 By: 
28 LOUIS A. LEONE, Esq.

Attorneys for Defendant
OAKLAND UNIFIED SCHOOL DISTRICT

1 **IT IS ORDERED THAT:**

2 1. All pleadings, responses thereto, and discovery will be stayed and held in
3 abeyance pending the outcome of mediation.

4 2. The limitation date prescribed by Federal Rule of Civil Procedure 4(m) will be
5 stayed until June 30, 2010.

6 3. The Case Management Conference scheduled for 10:00 a.m. on June 17, 2010,
7 shall be continued to 10:00 a.m. on July 8, 2010.

8 4. All other deadlines specified in the Court's December 4, 2009 Order Setting
9 Initial Case Management Conference and ADR Deadlines and the Case Management Standing
10 Order for Magistrate Judge Maria-Elena James shall be continued accordingly.

11 Dated: April 14, 2010

12 
13 HON. MARIA-ELENA JAMES
14 United States Magistrate Judge