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14 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO;  
 15 HEATHER FONG; and LARRY BERTRAND

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
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 20 ORIN BENTLEY,  
 21 Plaintiff,  
 22 vs.  
 23 CITY AND COUNTY OF SAN  
 FRANCISCO, a governmental entity;  
 24 HEATHER FONG, in her capacity as Chief  
 of Police for CITY AND COUNTY  
 25 OF SAN FRANCISCO; and, DOES 1-25,  
 26 inclusive, individually, and in their capacity  
 as police officers for CITY AND COUNTY  
 27 OF SAN FRANCISCO,  
 28 Defendants.

Action No. C-10-01785-JL

**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR EXTENSION OF TIME  
 TO COMPLETE SETTLEMENT  
 CONFERENCE; CASE MANAGEMENT  
 CONFERENCE; AND DISCOVERY  
 DEADLINES**

**STIPULATION**

All parties to this action stipulate and agree, by and through their respective counsel, as follows:

1. Plaintiff was recently served with a redacted Police Report, from which plaintiff has learned the names of other S.F. police officers, M. Ott and Officer Junio, who were present at and involved in the subject incident, and should therefore be included as named defendants. Plaintiff wishes to add them as defendants and intends to file a request to amend the Complaint;

2. Defendants have not yet been able to take plaintiff's deposition, because the date for which it was scheduled, 3-17-11, was not available for plaintiff to attend; and the dates proposed by plaintiff's counsel of 3-23-11 and 3-24-11 were not available for defense counsel, who has informed plaintiff's counsel she will be in trial and therefore unable to take plaintiff's deposition until about 4-18-11;

3. Plaintiff is completing Responses to defendants' written discovery for service on defendants, which will be served by 3-22-11;

4. Plaintiff has not yet received medical records or billing statement from St. Luke's Hospital; nor loss of wages documentation, although they have been requested;

5. Defense counsel, Margaret M. Baumgartner, was just substituted in place of the original defense counsel, Robert Bonta, on 3-3-11. Thus, she is still familiarizing with this case;

6. Plaintiff's counsel has been involved with several difficult motions lately in other cases, including an extensive Opposition to Defendants' Motion for Summary Judgment. Thus, plaintiff has not yet served written discovery on defendants, which will be done within one week from today's date. Then plaintiff can receive defendants' Responses to said written discovery, which is needed for a meaningful Settlement Conference;

7. There are at least four (4) witnesses whose depositions should be taken;

8. Plaintiff has not yet requested with documents itemized in Defendants' Initial Disclosure Statement (except for the redacted Police Report re the subject incident); namely: (a) Photographs taken by SFPD; (b) CAD documents; (c ) SFPD policy manuals; training documents, and other related documents, including, but not limited to, those relating to use of

1 force; (d) Dept. Of Emergency Management (DEM) emergency communications, including, but  
2 not limited to: 911 tapes; SFPD recordings; and other audio recordings relating to the 4-11-09  
3 subject incident; and, (e) Any prior recorded statements from plaintiff;

4 9. Pursuant to the last Stipulation and Order for Extension of Time to Complete Discovery,  
5 signed by the Court on 2-18-11, paragraph 4 states that should the parties find it necessary to  
6 continue the Settlement Conference date of 3-29-11, the parties may have sixty (60) to ninety  
7 (90) day extension of the date by which parties were to complete Settlement Conference. At that  
8 time, the last date for completion of Settlement Conference was 2-28-11. Hence, the parties  
9 apparently given from 4-28-11 to 5-28-11 to complete Settlement Conference;

10 10. The parties have agreed that they cannot conduct a meaningful Settlement Conference at  
11 this time for the above-stated reasons;

12 11. Therefore, good cause appearing, and counsel have conferred and agreed, the parties  
13 request that this Court continue the Settlement Conference presently scheduled for March 29,  
14 2011 to a date approximately forty-five (45) to sixty (60) days from that date;

15 12. Further, the parties request that date for the next Case Management Conference be re-  
16 scheduled from 4-6-11 to a date after completion of the re-scheduled Settlement Conference;  
17 and,

18 13. Additionally, the parties request that the discovery cut-off date for non-expert witnesses  
19 of 4-22-11; disclosure of expert witnesses date of 6-24-11; and, discovery cut-off date for expert  
20 witnesses of 8-12-11; be re-scheduled by several months, based on the above-stated reasons.

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22 Respectfully submitted,

23 LAW OFFICES OF GAYLA B. LIBET

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26 Dated: March 21, 2011

27 By: /s/  
28 GAYLA B. LIBET, Esq.  
Attorneys for Plaintiff

LAW OFFICES OF JOHN L. BURRIS

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3 Dated: March 21, 2011

By: /s/  
JOHN L. BURRIS, Esq.  
Attorneys for Plaintiff

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7 DENNIS J. HERRERA, City Attorney  
8 JOANNE HOEPER, Chief Trial Deputy  
9 MARGARET M. BAUMGARTNER,  
Deputy City Attorney

10 Dated: March 21, 2011

By: /s/  
MARGARET M. BAUMGARTNER, Esq.  
Attorneys for Defendants

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14 **ATTORNEY ATTESTATION**

15  
16 I hereby attest that I have on file all holograph signatures for any signatures indicated

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18 by a conformed signature, indicated as “/s/” within this E-filed document.

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20  
21 Dated: March 21, 2011

By: \_\_\_\_\_  
GAYLA B. LIBET, Esq.

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28 **ORDER**

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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5 Dated: March 22, 2011  
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7 HONORABLE JAMES LARSON  
8 United States District Court Judge  
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