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6 Attorneys for Defendants  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 TROY WHITE,  
 12 Plaintiff,

13 vs.

14 CITY OF CONCORD, MIKE KINDORF,  
 PHIL PEREZ and DOES 1 through 50,  
 15 Defendants.  
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Case No. C10-2237 MMC

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER FOR EXTENSION OF  
 DEADLINE TO COMPLETE ADR**

Current Deadline: December 1, 2010

Deadline Sought: March 1, 2011

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,  
 18 through their respective counsel of record, and approved by the Court in the accompanying Order,  
 19 as follows:

- 20 1. WHEREAS the parties previously stipulated to participate in a court-sponsored mediation  
 21 in this matter.  
 22 2. WHEREAS the parties stipulated to complete mediation within 90 days and the Court  
 23 signed an order on September 1, 2010, giving the parties until December 1, 2010 (90  
 24 days), to complete the mediation in this case. (See Document 15 from Court's Docket).  
 25 3. WHEREAS the parties have already exchanged written discovery in this matter and  
 26 have taken and noticed several depositions. Defendants have completed two witness  
 27 depositions thus far. Plaintiff is scheduled to take the depositions of the two named  
 28 officers in the coming weeks. Plaintiff may also need to take the depositions of other

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officers who were present during the incident. Defendants are in the process of setting up the Plaintiff's deposition. Plaintiff lives in Southern California. Defendants also will likely take the deposition of Plaintiff's girlfriend and perhaps some of Plaintiff's treating physicians, all of which are located in Southern California. Defendants have also subpoenaed relevant medical records of Plaintiff which are still outstanding. This discovery is all necessary prior to mediation to put this matter in the best posture for a meaningful mediation.

4. WHEREAS the trial of this matter is not set to commence until October 17, 2011. The fact discovery deadline is not until May 6, 2011.
5. WHEREAS there are several upcoming holidays, such as Thanksgiving and the Christmas and New Year's holidays, in 2010 that will make it difficult to complete all this necessary discovery prior to the end of the year.
6. WHEREAS the parties request that the Court allow an extension of the ADR deadline to March 1, 2011, a 90 day extension from the current deadline of December 1, 2010.
7. WHEREAS the parties and the court-appointed mediator, Mr. Sherwood, have all discussed the date for mediation and a tentative date of February 10, 2011, has been set and is currently pending confirmation by the respective parties.
8. WHEREAS this is the first such request and good cause exists to allow the parties additional time to complete mediation in this matter.

IT IS SO STIPULATED.

1 Dated: November 8, 2010

MCNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & BROTHERS LLP

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By: /s/ James V. Fitzgerald, III  
James V. Fitzgerald, III / Noah G. Blechman  
Attorneys for Defendants  
City of Concord, Mike Kindorf, Phil Perez

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5 Dated: November 8, 2010

LAW OFFICES OF EDWARD C. CASEY, JR.

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By: /s/ Edward C. Casey, Jr.  
Edward C. Casey, Jr.  
Attorney for Plaintiff Troy White

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**ORDER**

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**Pursuant to the foregoing stipulation, the new ADR completion deadline is now**

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**March 1, 2011.**

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**IT IS SO ORDERED**

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Dated: November 10, 2010

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Hon. Maxine M. Chesney  
United States District Court Judge

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