

1 Kacey Gardner (SBN 168299)
 LAW OFFICES OF KACEY GARDNER
 2 kaceygardner@comcast.net
 3 7 Fourth Street, Suite 7
 Petaluma, CA 94952
 Tel: (760) 453-2189
 4 Fax: (760) 453-2194

5 Lawrence D. Murray (SBN 77536)
 Robert Strickland (SBN 243757)
 6 MURRAY & ASSOCIATES
daydrmn@aol.com
 7 1781 Union Street
 San Francisco, CA 94123
 8 Tel: (415) 673-0555
 Fax: (415) 928-4084

9 ATTORNEYS FOR PLAINTIFF
 10 TIMOTHY GARDNER

11 ZACH COWAN, City Attorney (SBN 96372)
 SARAH REYNOSO, Assistant City Attorney (SBN 120277)
 12 MARK J. ZEMBSCH, Deputy City Attorney (SBN 127901)
MZembsch@ci.berkeley.ca.us
 13 2180 Milvia Street, Fourth Floor
 Berkeley, CA 94704
 14 Tel.: (510) 981-6998
 Fax: (510) 981-6960

15 ATTORNEYS FOR DEFENDANT
 16 CITY OF BERKELEY

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19

21 TIMOTHY GARDNER,
 22 Plaintiff,
 23 vs.
 24 CITY OF BERKELEY,
 25 Defendant.
 26

No. C10-03410 EMC

**NOTICE OF SETTLEMENT AND REQUEST
 TO VACATE TRIAL AND TRIAL-RELATED
 DEADLINES ; ORDER VACATING DATES
 AND SETTING CMC**

27
 28 PLEASE TAKE NOTICE that the parties have settled the above-captioned matter and hereby

1 request to vacate the trial date of February 21, 2012 and all trial-related deadlines, including the
2 February 10, 2012 Pre-Trial Conference.

3 Per the terms on the Settlement Agreement, the parties anticipate filing a Stipulation for
4 Dismissal in early March 2012.

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6 Respectfully submitted,

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8 Dated: February 1, 2012

9 /s/ Kacey Gardner
10 Kacey Gardner
LAW OFFICES OF KACEY GARDNER
Attorney for Plaintiff TIMOTHY GARDNER

11 Dated: February 1, 2012

12 /s/ Lawrence D. Murray
13 Lawrence D. Murray
MURRAY & ASSOCIATES
Attorney for Plaintiff TIMOTHY GARDNER

14
15
16 Dated: February 1, 2012

17 /s/
18 Mark Zembsch
Deputy City Attorney
ZACH COWAN, City Attorney
SARAH REYNOSO, Assistant City Attorney
MARK J. ZEMBSCH, Deputy City Attorney

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20
21 IT IS SO ORDERED that the trial and trial related dates are hereby vacated. A further CMC is set
22 for 4/6/12 at 10:30 a.m. An updated joint CMC statement shall be filed by 3/30/12. The 4/6/12
23 CMC will be vacated once a stipulation for dismissal is filed.

24 Edward M. Chen
25 U.S. District Judge

