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12 Attorneys for Plaintiff  
 13 TIMOTHY GARDNER

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

17 TIMOTHY GARDNER,  
 18 Plaintiff,

19 vs.

20 CITY OF BERKELEY, DAVID HODGKINS;  
 21 DOUG HAMBLETON; ROY MEISNER;  
 22 BOBBY MILLER,  
 Defendants.

**NO. C10-03410 EMC**

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND DATE FOR ADR  
 AND CONTINUE CASE MANAGEMENT  
 CONFERENCE**

**Complaint Filed: June 25, 2010  
 Removed to Federal Court: Aug. 3, 2010**

23 **STIPULATION**

24 The parties hereby stipulate through there undersigned counsel that the (1) last day to  
 25 meet and confer re initial disclosures, early settlement, and the ADR process selection, and  
 26 discovery plan, (2) file ADR Certification and (3) file either Stipulation to ADR Process or  
 27 Notice of Need for ADR Phone Conference be extended from October 27, 2010 to November 10,  
 28 2010.

1 The parties also stipulate that the last day to file Rule 26(f) Report, complete initial  
2 disclosures or state objection in Rule 26(f) Report and file the Joint Case Management Statement  
3 be continued from November 10, 2010 to November 24, 2010.

4 The parties also stipulate that the next Case Management Conference be continued from  
5 November 17, 2010 to December 1, 2010.

6 There is good cause for the stipulation to extend time as follows: Mark Zembsch is the  
7 primary attorney representing defendants in this case. Mr. Zembsch will be completely  
8 unavailable from October 21 through November 1, 2010, as he will be on the east coast attending  
9 to a family member's surgery. Further, Mr. Zembsch has an annual professional commitment  
10 out of the local area November 17-19, 2010.

11 Respectfully submitted:

12 ZACH COWAN, City Attorney  
13 MARK J. ZEMBSCH, Deputy City Attorney

14  
15 Dated: October 5, 2010.

By: \_\_\_\_\_ /s/

16 MARK J. ZEMBSCH, Deputy City Attorney  
17 Attorneys for City of Berkeley and David Hodgkins

18 Respectfully submitted:

19 KAHN BROWN & POORE LLP

20  
21 Dated: October 5, 2010.

By: \_\_\_\_\_ /s/

22 DAVID M. POORE  
23 Attorney for Plaintiff Timothy Gardner

24 **ORDER**

25 THE FOREGOING STIPULATION  
26 IS APPROVED AND IS SO ORDERED.

27 DATE: 10/18/10 \_\_\_\_\_

