

1 JAMES V. FITZGERALD, III (State Bar No. 55632)
 NOAH G. BLECHMAN (State Bar No. 197167)
 2 McNAMARA, NEY, BEATTY, SLATTERY,
 BORGES & BROTHERS LLP
 3 1211 Newell Avenue
 Post Office Box 5288
 4 Walnut Creek, CA 94596
 Telephone: (925) 939-5330
 5 Facsimile: (925) 939-0203

6 Attorneys for Defendant
 CITY OF ANTIOCH; OFFICER MARTIN

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 R.B., by and through his Guardian Ad
 Litem, LASAUNDR A BONDS,

12 Plaintiff,

13 vs.

14 CITY OF ANTIOCH, a municipal
 15 corporation; RICHARD MARTIN,
 individually, and in his official capacity as
 16 a police officer for the CITY OF
 ANTIOCH; DOES 1-25, inclusive,
 17 individually and in their official capacities
 as police officers for the CITY OF
 18 ANTIOCH,

19 Defendants.

Case No. C10-03789 TEH

**STIPULATION AND [PROPOSED]
 ORDER RESETTING SETTLEMENT
 CONFERENCE**

Trial Judge: Hon. Thelton E. Henderson
 SC Judge: Hon. Joseph C. Spero
 Current SC: April 5, 2011
 New SC: June 22, 2011

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

- 24 1. WHEREAS this matter was referred to Judge Spero for a settlement conference, to
 25 occur no later than five calendar days prior to the pretrial conference (set for February
 26 13, 2012), per Order for Pretrial Preparation, Document 23, filed by Judge Henderson
 27 on December 20, 2010, in this matter.
- 28 2. WHEREAS Judge Spero then set a settlement conference for April 5, 2011 per Notice

STIPULATION AND ORDER RESETTING SETTLEMENT
 CONFERENCE - C10-03789 THE

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP
 ATTORNEYS AT LAW
 P.O. BOX 5288, WALNUT CREEK, CA 94596
 TELEPHONE: (925) 939-5330

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP
ATTORNEYS AT LAW
P.O. BOX 5288, WALNUT CREEK, CA 94596
TELEPHONE: (925) 939-5330

1 of Settlement Conference and Settlement Conference Order, Document 24, filed on
2 January 3, 2011.

3 3. WHEREAS the parties in this matter have agreed to a Court sponsored mediation in
4 this matter and the mediation with Mr. Pavone, Esq. is currently set for March 29,
5 2011, the first such attempt at ADR.

6 4. WHEREAS the parties have met and conferred and agreed to continue the currently
7 set settlement conference for several months pending the outcome of mediation and to
8 allow for additional time for discovery until a follow up settlement conference should
9 occur.

10 5. WHEREAS the parties have met and conferred with each other and the Court and all
11 parties and the Court have agreed to reset the settlement conference from April 5th to
12 June 22nd.

13 6. WHEREAS good cause exists to continue the settlement conference for several
14 months per above.

15
16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

17 Dated: February 14, 2011 LAW OFFICES OF JOHN L. BURRIS

18
19 By: /s/ Adante D. Pointer
20 John L. Burris
21 Adante D. Pointer
22 Attorneys for Plaintiff R.B.

23 Dated: February 14, 2011 MCNAMARA, NEY, BEATTY, SLATTERY,
24 BORGES & AMBACHER LLP

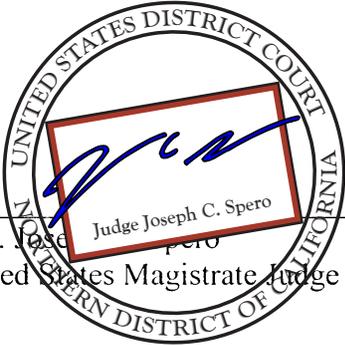
25 By: /s/ Noah G. Blechman
26 James V. Fitzgerald, III
27 Noah G. Blechman
28 Attorneys for Defendants
City of Antioch, Officer Martin

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The settlement conference of April 5th is hereby vacated and a new settlement conference will be scheduled for June 22, 2011, at 9:30 a.m. in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102. Settlement conference statements are ~~due~~ LODGED with the undersigned's chambers by June 6, 2011. Other requirements of the settlement conference process are included in the Notice of Settlement Conference and Settlement Conference Order, Document 24, filed on January 3, 2011, which is incorporated herein by reference.

IT IS SO ORDERED.

DATED: 02/16/11 _____



Hon. Joseph C. Spero
United States Magistrate Judge

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP
ATTORNEYS AT LAW
P.O. BOX 5288, WALNUT CREEK, CA 94596
TELEPHONE: (925) 939-5330

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28