

1 LINA FOLTZ, State Bar No. 167813
 2 foltzlaw@gmail.com
 3 11 Embarcadero West, Suite 230
 4 Oakland, California 94607
 5 Telephone: (510) 663-7199
 6 Facsimile: (510) 380-6332

7 Attorney for Plaintiffs
 8 M.M., E.M., & C.M.

9 AMY R. LEVINE, State Bar No. 160743
 10 alevine@dwkesq.com
 11 MATTHEW J. TAMEL, State Bar No. 229378
 12 mtamel@@dwkesq.com
 13 DANNIS WOLIVER KELLEY
 14 275 Battery Street, Suite 1150
 15 San Francisco, CA 94111
 16 Telephone: (415) 543-4111
 17 Facsimile: (415) 543-4384

18 LOUIS A. LEONE, ESQ. (SBN: 099874)
 19 lleone@leonealberts.com
 20 KATHERINE A. ALBERTS, ESQ. (SBN: 212825)
 21 kalberts@leonealberts.com
 22 **LEONE & ALBERTS**
 23 2175 N. California Blvd., Suite 900
 24 Walnut Creek, CA 94596
 25 Telephone: (925) 974-8600
 26 Facsimile: (925) 974-8601

27 Attorneys for Defendants
 28 LAFAYETTE SCHOOL DISTRICT & LAFAYETTE
 BOARD OF EDUCATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

M.M. & E.M., individually and on behalf
 of their son C.M.,
 Plaintiffs,

v.

LAFAYETTE SCHOOL DISTRICT,
 LAFAYETTE BOARD OF EDUCATION,
 Defendants.

Case No. C10-04223 SI

**STIPULATION AND ~~PROPOSED~~ ORDER
 REFERRING CASE TO SETTLEMENT
 CONFERENCE AND STAYING SECTION
 504 CLAIM**

2nd Amended Complaint: March 21, 2011
Mandate Issued: December 12, 2014

1 WHEREAS since the last Case Management Conference, the parties have engaged in
2 settlement discussions and have now reached a point in those discussions where they believe
3 they may be able to resolve all or most of the remaining issues in this case through a Settlement
4 Conference with a Magistrate Judge;

5 WHEREAS the parties agreed to such a Settlement Conference before Magistrate Judge
6 Laurel Beeler and have conferred with Judge Beeler's clerk to reserve September 27, 2016 for
7 a full day Settlement Conference in this matter;

8 WHEREAS with respect to the remaining pending Section 504 claim, the parties wish
9 to conserve as much time and resources as possible prior to the Settlement Conference in order
10 to facilitate settlement and not waste funds and resources on matters that may be settled;

11 WHEREAS with respect to the remaining IDEA claim, the parties' motions regarding
12 Plaintiff's entitlement to reimbursement are set to be heard on June 17, 2016 at 9:00 a.m.;

13 WHEREAS the parties agree that having the Court's ruling on the IDEA cross-motions
14 prior to the Settlement Conference would be preferable and would promote settlement of the
15 case;

16 WHEREAS if the remaining Section 504 claims are not resolved by the parties through
17 the Settlement Conference, the parties will work together to complete all remaining necessary
18 discovery as quickly and efficiently as possible; and

19 WHEREAS the parties agree to request that a case management conference be set in
20 this action after the conclusion of the Settlement Conference to discuss any remaining
21 procedural issues if the case settles or reset any case management deadlines, if necessary, with
22 respect to any claims that were not settled by the parties;

23 **IT IS HEREBY STIPULATED TO** by Plaintiffs M.M. and E.M, individually and
24 behalf of their minor son, C.M., and Defendants Lafayette School District and Lafayette Board
25 of Education, by and through their counsel of record, that:

26 1) The parties request that the above captioned matter be referred to Magistrate
27 Judge Laurel Beeler for Settlement Conference on September 27, 2016 at 10:00 a.m. in

1 Courtroom C of this Court;

2 2) The hearing on the parties' cross-motions regarding Plaintiffs' entitlement to
3 reimbursement pursuant to the IDEA currently set for June 17, 2016 at 9:00 a.m. in Courtroom
4 1 of this Court remains on calendar;

5 3) The parties request that the Court issue a ruling on the parties' cross-motions
6 regarding Plaintiffs' entitlement to reimbursement prior to September 27, 2016 if at all
7 possible;

8 4) The parties request that all proceedings as to the Plaintiffs' remaining Section
9 504 retaliation claim should be stayed and all case management deadlines as to the Section 504
10 claim established in the parties' Joint Case Management Statement, filed on December 11,
11 2015, and/or set by the Court at the December 18, 2015 Case Management Conference should
12 be vacated; and

13 5) The parties request that this matter be set for a Case Management Conference on
14 or about October 28, 2016 at 3:00 p.m., or as soon thereafter as the Court's schedule permits, to
15 either reset any necessary case management deadlines if the parties do not settle the case or
16 discuss any remaining procedural issues if the parties settle the case.

17 **IT IS SO STIPULATED.**

18 DATED: May 31, 2016

LINA FOLTZ

19

20

21

By: _____
Attorney for Plaintiffs
M.M., E.M., & C.M.

22

23 DATED: May ____, 2016

DANNIS WOLIVER KELLEY

24

25

26

By: _____
AMY R. LEVINE
Attorneys for Defendants
LAFAYETTE SCHOOL DISTRICT and
LAFAYETTE BOARD OF EDUCATION

27

28

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

DATED: May 31, 2016

LEONE & ALBERTS

By: /s Katherine A. Alberts
KATHERINE A. ALBERTS
Attorneys for Defendants
LAFAYETTE SCHOOL DISTRICT and
LAFAYETTE BOARD OF EDUCATION

1 Courtroom C of this Court;

2 2) The hearing on the parties' cross-motions regarding Plaintiffs' entitlement to
3 reimbursement pursuant to the IDEA currently set for June 17, 2016 at 9:00 a.m. in Courtroom
4 1 of this Court remains on calendar;

5 3) The parties request that the Court issue a ruling on the parties' cross-motions
6 regarding Plaintiffs' entitlement to reimbursement prior to September 27, 2016 if at all
7 possible;

8 4) The parties request that all proceedings as to the Plaintiffs' remaining Section
9 504 retaliation claim should be stayed and all case management deadlines as to the Section 504
10 claim established in the parties' Joint Case Management Statement, filed on December 11,
11 2015, and/or set by the Court at the December 18, 2015 Case Management Conference should
12 be vacated; and

13 5) The parties request that this matter be set for a Case Management Conference on
14 or about October 28, 2016 at 3:00 p.m., or as soon thereafter as the Court's schedule permits, to
15 either reset any necessary case management deadlines if the parties do not settle the case or
16 discuss any remaining procedural issues if the parties settle the case.

17 **IT IS SO STIPULATED.**

18 DATED: May 24, 2016

LINA FOLTZ

19

20

21

22

By: 
Attorney for Plaintiffs
M.M., E.M., & C.M.

23 DATED: May ____, 2016

DANNIS WOLIVER KELLEY

24

25

26

By: _____
AMY R. LEVINE
Attorneys for Defendants
LAFAYETTE SCHOOL DISTRICT and
LAFAYETTE BOARD OF EDUCATION

27

28

1 Courtroom C of this Court;

2 2) The hearing on the parties' cross-motions regarding Plaintiffs' entitlement to
3 reimbursement pursuant to the IDEA currently set for June 17, 2016 at 9:00 a.m. in Courtroom
4 1 of this Court remains on calendar;

5 3) The parties request that the Court issue a ruling on the parties' cross-motions
6 regarding Plaintiffs' entitlement to reimbursement prior to September 27, 2016 if at all
7 possible;

8 4) The parties request that all proceedings as to the Plaintiffs' remaining Section
9 504 retaliation claim should be stayed and all case management deadlines as to the Section 504
10 claim established in the parties' Joint Case Management Statement, filed on December 11,
11 2015, and/or set by the Court at the December 18, 2015 Case Management Conference should
12 be vacated; and

13 5) The parties request that this matter be set for a Case Management Conference on
14 or about October 28, 2016 at 3:00 p.m., or as soon thereafter as the Court's schedule permits, to
15 either reset any necessary case management deadlines if the parties do not settle the case or
16 discuss any remaining procedural issues if the parties settle the case.

17 **IT IS SO STIPULATED.**

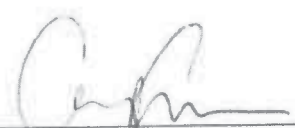
18 DATED: May 31, 2016

LINA FOLTZ

21 By: _____
22 Attorney for Plaintiffs
M.M., E.M., & C.M.

23 DATED: May 31, 2016

DANNIS WOLIVER KELLEY

25 By: 
26 AMY R. LEVINE
27 Attorneys for Defendants
LAFAYETTE SCHOOL DISTRICT and
LAFAYETTE BOARD OF EDUCATION

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

~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the parties and good cause appearing therefrom, **IT IS HEREBY ORDERED** that:

1) The above captioned action is referred to Magistrate Judge Laurel Beeler for the purpose of conducting a Settlement Conference;

2) All proceedings regarding Plaintiffs’ Section 504 claim are stayed until further order of this Court and all Case Management deadlines regarding Plaintiffs’ Section 504 claim agreed to by the parties in the Joint Case Management Conference Statement filed on December 11, 2015 and/or set by this Court at the December 18, 2015 Case Management Conference are vacated;

3) The parties’ cross-motions regarding Plaintiffs’ entitlement to reimbursement pursuant to the IDEA will be heard on June 17, 2016 at 10:00 a.m. in Courtroom 1 of this Court as currently scheduled; and

4) The above captioned matter is set for a further Case Management Conference on October 28, 2016 at 3:00 p.m. in Courtroom 1 of this Court. By October 21, 2016, the parties are to file a Joint Case Management Conference Statement apprising the Court of the status of any settlement agreed to by the parties, remaining issues to be resolved by the Court, if any, and if necessary, proposed a case management schedule for resolving any such remaining issues.

IT IS SO ORDERED.

DATED: 6/1/16



Hon. Susan Illston
Judge of the United States District Court
Northern District of California