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9 Attorneys for Danilo Martin Molieri  
 10 And Daniel Steven Molieri, Plaintiffs

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **(SAN FRANCISCO)**

<p>14 DANIEL MARTIN MOLIERI and,          15 DANIEL STEVEN MOLIERI,          16          17 Plaintiffs,          18 vs.          19 COUNTY OF MARIN; Marin          20 County Sheriff's Sergeant          21 J. SCARDINA; Sheriff's Deputy          22 ERIC RICHARDSON; Sheriff's          23 Deputy BONDANZA; CITY AND          24 COUNTY OF SAN FRANCISCO;          25 San Francisco Police Sergeant          26 R. COX; San Francisco Police          27 Sergeant J. O'MALLEY; and          28 DOES 1 through 25, inclusive,          Defendants.</p>	<p>CASE NO. C-10-5430 MMC          Complaint Filed: 12/1/2010          STIPULATION TO CONTINUE          SETTLEMENT CONFERENCE;          (<del>PROPOSED</del>) ORDER ON STIPULATION</p>
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29 **STIPULATION**

30 The parties in this, the above-entitled matter, by and through their respective counsel of  
 31 record, stipulate and agree to the following in support of their request that the settlement

32 STIPULATION TO CONTINUE SETTLEMENT CONFERENCE; (PROPOSED) ORDER ON STIPULATION <sup>1</sup>  
 33 C-10-5430 MMC

1 conference now scheduled for June 27, 2012 be continued to October 24, 2012. The following  
2 is proffered as good cause for the requested continuance:

- 3 1. The complaint in this matter was filed on December 1, 2010. Subsequent to its filing,  
4 counsel cooperatively and diligently developed this case for resolution, disposition or  
5 trial through discovery.
- 6  
7 2. This case centers around police practices and, with significance to this request for a  
8 continuance of the settlement conference in this matter scheduled for June 27, 2012,  
9 plaintiffs' 4<sup>th</sup> amendment claims arising from the entry into plaintiffs' residence on  
10 December 8, 2012, and their detention and arrest on that occasion by law enforcement  
11 personnel of the County of Marin and the City and County of San Francisco.
- 12  
13 3. On March 2, 2012, the parties filed reciprocal motions for summary judgment and  
14 partial summary judgment, principally directed to the aforementioned issues.
- 15  
16 4. The Court issued its Order Denying Plaintiffs' Motion for Partial Summary Judgment;  
17 Granting in Part and Denying in Part Marin Defendants' Motion for Partial Summary  
18 Judgment; Granting in Part and Denying in Part San Francisco Defendants' Motion for  
19 Summary Judgment on April 16, 2012.
- 20  
21 5. Defendants City and County of San Francisco, R. Cox and J. O'Malley filed a Request  
22 for Leave to File Motion for Reconsideration re Order on Motion Summary Judgment  
23 on May 11, 2012 and a Notice of Appeal to the 9th CCA was filed by Defendants City  
24 and County of San Francisco, R. Cox, J. O'Malley on May 15, 2012.
- 25  
26 6. On May 22, 2012, the Court Granted in Part and Denied in Part San Francisco  
27 Defendants' Request for Leave to File Motion for Reconsideration and the Court set  
28 forth a briefing schedule. The hearing on the matter is set for July 6, 2012, at 9:00 a.m.  
before Judge Maxine M. Chesney.

- 1 7. The significance of the pending motions is such that the parties do not believe an effort  
2 to resolve this case without determination of the pending motions will be fruitful. The  
3 motions address the “discrete issues” that will most likely impact settlement, a subject  
4 expected to be addressed in settlement conference statements pursuant to the standing  
5 orders.  
6  
7 8. Given the foregoing factual representations, the parties request that the court continue  
8 the settlement conference to October 24, 2012, with settlement conference statements  
9 due seven (7) calendar days in advance, or October 17, 2012.

10  
11 Dated: June 18, 2012

LAW OFFICES OF JOHN L. BURRIS

12  
13 By: /S/JOHN L. BURRIS  
14 John L. Burris, Esq.  
15 Attorneys for Plaintiffs  
16 Danilo Martin Molieri and  
Daniel Steven Molieri

17 Dated: June 19, 2012

PATRICK K. FAULKNER  
County Counsel

18 By: /S/RENEE GIACOMINI BREWER  
19 Renee Giacomini Brewer.  
20 Deputy County Counsel  
21 Attorneys for County of Marin  
**(\*As authorized on June 19, 2012)**

22 Dated: June 19, 2012

DENNIS J. HERRERA  
City Attorney  
JOANNE HOEPER  
Chief Trial Deputy

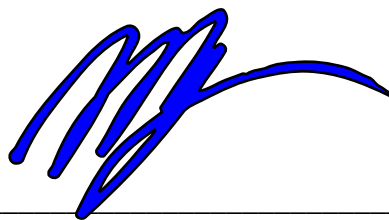
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24 By: /S/MICHAEL GERCHOW  
25 Michael Gerchow  
26 Deputy City Attorney  
27 Attorneys for Defendant  
City and County of San Francisco  
**(\*As authorized on June 19, 2012)**

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**ORDER**

The court, having considered the parties' stipulation and good cause appearing,

**IT IS ORDERED** that the settlement conference in this matter is continued to October 24, 2012 at 10:00 a.m. Confidential settlement conference statements to be lodged no later than October 17, 2012 in compliance with standing orders of Chief Magistrate Judge Maria Elena James for settlement conferences.



Dated: June 20, 2012

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CHIEF UNITED STATES MAGISTRATE JUDGE  
MARIA-ELENA JAMES