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9 Attorneys for Kwixuan Maloof (plaintiff)

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 (SAN FRANCISCO--OAKLAND)

13 KWIXUAN MALOOF,

CIVIL NO. C11-02014 EMC

14 Plaintiff,

STIPULATION TO MODIFY  
 SCHEDULING ORDER AND  
 (PROPOSED) ORDER

15 vs

I.

16 COUNTY OF ALAMEDA; R. JACKSON;  
 17 and DOES 1 –15, inclusive,

18 Defendants.

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19 **STIPULATION**

20 The complaint in this case was filed on April 25, 2011 and an initial case management  
 21 conference held on September 2, 2011. The court scheduled the following matters pertinent to this  
 22 stipulation: private mediation to be completed by March 15, 2012; non-expert discovery to be  
 23 completed by June 15, 2012 and a further status conference to be held on March 30, 2012 at 10:30  
 24 a.m.

25 The parties adherence to the Case Management and Pretrial Order for Jury Trial filed on  
 26 September 6, 2011 has been substantially compromised by a case plaintiff's counsel believed to have  
 27 been settled but which the municipal agency did not approve, resulting in a jury trial going forward  
 28

**STIPULATION TO MODIFY SCHEDULING ORDER; PROPOSED ORDER**

1 on May 10, 2012 in this District, a trial to be conducted by defendant's counsel scheduled beginning  
2 the first week of April and an unanticipated motion for summary judgment filed in a multi-side case,  
3 also pending in this District. As a result of these matters, although discovery has been undertaken, it  
4 is insufficient to permit a meaningful effort to mediate this case. The court ordered discovery  
5 limited to two depositions and written discovery narrowly tailored to facilitate mediation. However,  
6 the complaint alleges pattern and practice civil rights violations and plaintiff's counsel will need to  
7 follow up the responses to discovery addressing that issue.

8 For the foregoing reasons, although counsel have agreed to solicit the assistance of  
9 Christopher Johns through the Court's ADR Program to mediate this case, the posture of the case  
10 does not support mediation on the schedule set by the Court. Unavailability of counsel in April and  
11 May due to jury trials requires counsel to seek a continuance of the deadline for mediation and for a  
12 further status conference post-mediation.

13 The parties, by and through counsel therefore respectfully stipulate and request that  
14 the court extend the deadline for mediation to June 8, 2012, with a further status conference to occur  
15 on June 22, 2012 at 10:30 a.m. The parties also request the Court vacate the non-expert and expert  
16 discovery cut-off dates pending the further status conference should mediation prove unsuccessful.

17 **IT IS SO STIPULATED.**

18  
19 Dated: March 14, 2012

LAW OFFICES OF JOHN L. BURRIS

20  
21 /S/John L. Burris

22 John L. Burris  
Attorneys for Kwixuan Maloof

23 Dated: March 14, 2012

FOSTER EMPLOYMENT LAW

24  
25 /S/Madelyn Jordan Davis

26 Madelyn Jordan Davis  
27 Attorneys for County of Alameda  
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**(PROPOSED) ORDER**

The court considered the stipulation of the parties to modify the Amended Case Management and Pretrial Order for Jury Trial and, good cause otherwise appearing,

IT IS ORDERED that the parties shall complete mediation no later than June 8, 2012. The parties shall appear at a further status conference on June 22, 2012 at 10:30 a.m. The current cutoff dates for expert and non-expert discovery are vacated. The pretrial and trial dates are not affected by this order.

*Parties shall be prepared to set expedited discovery deadlines at the next status conference.*

DATED: 3/15/12

  
UNITED STATES DISTRICT JUDGE

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