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    BROLLINI, MICHELLE DE LA CALLE, AND
    SANTA CLARA COUNTY PERSONNEL
    BOARD
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                               UNITED STATES DISTRICT COURT
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                             NORTHERN DISTRICT OF CALIFORNIA
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    KATHLEEN STALLWORTH,
                                                   No. CV11-04841 JSW
                 Plaintiff,
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                                                   STIPULATION AND PROPOSED ORDER
                                                   BIFURCATING NINTH CAUSE OF
    v.
                                                   ACTION FOR ADMINISTRATIVE
14
                                                   MANDAMUS (F.R.C.P. 42(b))
    ANDREA BROLLINI, et al.,
15
                                                    AND SETTING CASE MANAGEMENT
                                                   CONFERENCE
                 Defendants.
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          The parties in the above-captioned matter submit the following Stipulation and Proposed
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    Order requesting that, pursuant to Rule 42(b) of the Federal Rules of Civil Procedure, the Court
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    bifurcate plaintiff Kathleen Stallworth's request to review the administrative findings of Defendant
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    Santa Clara County Personnel Board, as set forth in Plaintiff's ninth cause of action.
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          Good cause exists for proceeding in this manner. Rule 42(b) provides for separate trials or
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    one or more claims "[f]or convenience, to avoid prejudice, or to expedite and economize." First,
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    Plaintiff's mandamus claim presents an issue for the Court to decide on its own, sitting without a
    jury. (See Cal. Code Civ. Proc., § 1094.5(a).) Additionally, obtaining a prior decision regarding
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    administrative mandamus in this action will expedite and economize by streamlining factual issues
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    and potentially eliminate claims should principles of collateral estoppel and/or res judicata apply.
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1	Accordingly, the parties request the court bifurcate and consider the administrative	
2	mandamus claim on or before July 15, 2013, which is the date set for the jury trial of the entire	
3	action.	
4	Additionally, the parties request that all other dates, except the fact discovery cut-off (April	
5	8, 2013) be vacated as to the remainder of Plaintiff's claims, and a further case management	
6	conference be held to establish the mandamus briefing schedule and setting a new pretrial schedule	
7	for the jury trial of Plaintiff's remaining claims.	
8	I hereby attest that I have on file the holograph signature indicated by a "conformed"	
9	signature (/S/) within this efiled document.	
10	Dated: December 18, 2012	Respectfully submitted,
11		LORI E. PEGG Acting County Counsel
12		Trotting Country Country
13	Ву:	MARY L. MALYSZ
14		Deputy County Counsel
15		Attorneys for Defendants COUNTY OF SANTA CLARA, ANDREA
16 17		BROLLINI, MICHELLE DE LA CALLE, AND SANTA CLARA COUNTY
18		PERSONNEL BOARD
19	Dated: December 18, 2012 By:	/S/
20	_ ,.	BLAINE L. FIELDS
21		Attorney for Plaintiff KATHLEEN STALLWORTH
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ORDER BIFURCATING NINTH CAUSE OF ACTION FOR ADMINISTRATIVE MANDAMUS

The Court, having considered the stipulation of the parties and finding good cause, hereby bifurcates Plaintiff's ninth cause of action for administrative mandamus. This trial date of July 15, 2013 shall apply to this bifurcated claim; all other dates set forth in the Court's Order of September 25, 2012 are hereby vacated, except the fact discovery cut off of April 8, 2013. A further case management conference will be scheduled to establish the mandamus briefing schedule and setting a new pretrial schedule for the jury trial of Plaintiff's remaining claims.

Dated: January 3, 2013	JUDGE JEFFREN S. WHITE United States District Court
	JUDGE JEFFREY S. WHITE
	United States Instrict Court

the proposed briefing schedule on the mandamus claim.

The parties shall appear for a case management conference on January 18, 2013 at 1:30 p.m. to address The Court reserves the right to continue the trial date if necessary.

Stip and Proposed Order Bifurcating Ninth Cause of Action for Administrative Mandamus CV11-04841 JSW