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 12 SANTA CLARA COUNTY PERSONNEL
 13 BOARD

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 KATHLEEN STALLWORTH,

17 Plaintiff,

18 v.

19 ANDREA BROLLINI, et al.,

20 Defendants.

No. CV11-04841 JSW

**STIPULATION AND ~~PROPOSED ORDER~~
 BIFURCATING NINTH CAUSE OF
 ACTION FOR ADMINISTRATIVE
 MANDAMUS (F.R.C.P. 42(b))
 AND SETTING CASE MANAGEMENT
 CONFERENCE**

21 The parties in the above-captioned matter submit the following Stipulation and Proposed
 22 Order requesting that, pursuant to Rule 42(b) of the Federal Rules of Civil Procedure, the Court
 23 bifurcate plaintiff Kathleen Stallworth's request to review the administrative findings of Defendant
 24 Santa Clara County Personnel Board, as set forth in Plaintiff's ninth cause of action.

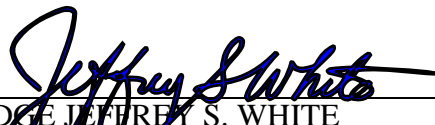
25 Good cause exists for proceeding in this manner. Rule 42(b) provides for separate trials or
 26 one or more claims "[f]or convenience, to avoid prejudice, or to expedite and economize." First,
 27 Plaintiff's mandamus claim presents an issue for the Court to decide on its own, sitting without a
 28 jury. (See Cal. Code Civ. Proc., § 1094.5(a).) Additionally, obtaining a prior decision regarding
 administrative mandamus in this action will expedite and economize by streamlining factual issues
 and potentially eliminate claims should principles of collateral estoppel and/or res judicata apply.

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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 JEFFREY S. WHITE
United States District Court

The parties shall appear for a case management conference on January 18, 2013 at 1:30 p.m. to address the proposed briefing schedule on the mandamus claim.

The Court reserves the right to continue the trial date if necessary.