

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 CHERYL ADAMS, State Bar #164194  
 Chief Trial Attorney  
 3 DONALD P. MARGOLIS, State Bar #116588  
 ELIZABETH PEDERSON, State Bar #288184  
 4 Deputy City Attorneys  
 Fox Plaza  
 5 1390 Market Street, Sixth Floor  
 San Francisco, California 94102-5408  
 6 Telephone: (415) 554-3853 [Margolis]  
 Telephone: (415) 554-3862 [Pederson]  
 7 Facsimile: (415) 554-3837  
 E-Mail: don.margolis@sfgov.org  
 8 E-Mail: elizabeth.pederson@sfgov.org

9 Attorneys for Defendants  
 10 CITY AND COUNTY OF SAN FRANCISCO,  
 MARIA ELENA MARTINEZ, SUSAN TAIT,  
 11 BARBARA HIGGINS, MAYRA GOMEZ,  
 and DAN PHILLIPS

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 CATHERINE JONES,  
 16 Plaintiff,  
 17 vs.  
 18 CITY AND COUNTY OF SAN  
 FRANCISCO, et al.,  
 19 Defendants.  
 20

Case No. 11-cv-04884 LB (MEJ)

**STIPULATION AND ~~PROPOSED~~ ORDER  
 VACATING SETTLEMENT CONFERENCE**

Current Sett. Conf. Date: June 18, 2013, 1:00 pm  
 Trial Date: September 16, 2013

21  
 22 The parties stipulate to an order vacating the settlement conference set for June 18, 2013 in this  
 23 matter.

24 **RECITALS**

25 A. On February 25, 2013, this Court filed its Notice of Continuance of Settlement  
 26 Conference, re-setting the settlement conference date for June 18, 2013, at 10:00 a.m. (Dkt. 31.)

27 B. On March 28, 2013, defendants filed a motion for summary judgment. In the course of  
 28 a telephone conference concerning that motion on June 3, 2013, among counsel and Magistrate Judge

1 Beeler, after previous adjustments of the hearing date on defendants' motion, the Court reset the  
2 hearing date on the motion from June 6 to June 20, 2013. In discussing the issue of an appropriate  
3 hearing date, Judge Beeler raised the subject of the value and timing of the upcoming settlement  
4 conference. Plaintiff's counsel stated he was pessimistic that the settlement conference could lead to a  
5 resolution while the summary judgment motion remained to be heard. Defendant's counsel concurred.

6 C. Based on counsel's assessments, Judge Beeler agreed that it would be appropriate to  
7 seek an order by Judge James vacating the settlement conference, and authorized counsel to represent  
8 her view to Judge James.

9 D. Trial in this matter is set for September 16, 2013.

10 **STIPULATION**

11 In the interest of promoting economy and efficiency for the Court and the parties, and avoiding  
12 a settlement conference that the parties believe has little prospect of yielding a settlement, at least at  
13 this juncture, the parties stipulate to the entry of an order vacating the June 18, 2013 settlement  
14 conference, without prejudice to the right of either party to seek the setting of a settlement conference  
15 at a later date on which the Court is available, after the hearing on the pending summary judgment  
16 motion.

17  
18 Dated: June 4, 2013

DENNIS J. HERRERA  
City Attorney

19  
20 By:           /s/ Donald P. Margolis            
DONALD P. MARGOLIS  
Deputy City Attorney  
Attorneys for Defendants

21  
22 Dated: June 4, 2013

THE LAW OFFICES OF ROBERT R. POWELL

23 By:           /s/ Dennis Ingols            
DENNIS INGOLS  
Attorneys for Plaintiff

**ORDER**

Pursuant to the parties' stipulation, it is hereby ordered that the settlement conference scheduled for June 18, 2013 is VACATED, subject to the right of any party to request a rescheduled settlement conference after the hearing on the motion for summary judgment, and subject to the availability of a suitable date on the Court's calendar for a settlement conference.

**IT IS SO ORDERED.**

Dated: June 4, 2013

By:   
\_\_\_\_\_  
HON. MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE

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