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14 Attorneys for Plaintiffs
 15 AARON C. STEVENSON AND KEVIN D. TAYLOR

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 AARON C. STEVENSON, KEVIN D.
 19 TAYLOR, KEVIN V. SMITH, AUDRY LEE,
 and KIRK RICHARDSON,

20 Plaintiffs,

21 vs.

22 THE CITY AND COUNTY OF SAN
 23 FRANCISCO, THE SAN FRANCISCO FIRE
 DEPARTMENT, THE SAN FRANCISCO
 24 FIRE COMMISSION, and THE CIVIL
 SERVICE COMMISSION OF SAN
 25 FRANCISCO,

26 Defendants.

Case No. CV 11 4950 MMC

**STIPULATION AND [PROPOSED] ORDER
 TO VACATE PRE-TRIAL CONFERENCE
 AND TRIAL DATE ; ORDER THEREON**

1 In accordance with the Section 7 of the Court's Standing Orders for Civil Cases, the parties
2 jointly seek relief with respect to the pending Pretrial Conference and Trial in this case. This case
3 currently is set for trial on January 11, 2016, and the Court has scheduled a Pretrial Conference for
4 December 15, 2015. Given the date of the Pretrial Conference, the parties' joint Pretrial Statement and
5 other supporting materials currently are due on December 4, 2015.

6 Defendant City and County of San Francisco (City) moved for summary judgment on August
7 7, 2015, and Plaintiffs Aaron C. Stevenson, Kevin D. Taylor, Kevin V. Smith, Audry Lee, and Kirk
8 W. Richardson's (Plaintiffs) moved for sanctions related to the City's alleged spoliation of evidence
9 the same date. Those matters were heard by the Court on September 18, 2015. The Court issued an
10 order regarding Plaintiffs motion, but has yet to rule on the City's motion for summary judgment.

11 This is a complex employment discrimination case. In the operative complaint, Plaintiffs have
12 alleged sixteen separate and independent claims for relief. Some of those claims are brought on behalf
13 of all the Plaintiffs and others are brought on behalf of only some of them. The facts relevant to some
14 of those claims are identical or similar for all of the Plaintiffs and the facts relevant to others are
15 unique to individual Plaintiffs. By its motion for summary judgment, the City sought to avoid trial
16 altogether or, at a minimum, to reduce the scope of the issues and claims in dispute.

17 Because the Court has yet to issue its ruling on the City's motion, it is difficult for the parties
18 to prepare effectively and efficiently for the Pretrial Conference and for trial. Moreover, moving
19 forward with such preparations at this time is likely to lead to the expenditure of significant time and
20 money preparing for a trial that might not happen or to try issues and claims that may not survive. The
21 parties believe that a ruling on the City's motion is essential to their ability to prepare for and assist the
22 Court in the most efficient trial of whatever claims survive summary judgment. Given that only two
23 weeks remain (including the Thanksgiving Holiday) before the Pretrial Conference Statement is due,
24 the parties believe the current dates for the Pretrial Conference and trial should be vacated.

25 Accordingly, the parties request the Court grant this joint request.

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1 The parties further agree to meet and confer within 5 court days of the Court's summary
2 judgment order to select the earliest date available and practical for trial of this case. Moreover, the
3 parties will go forward with the settlement conference currently scheduled for December 14, 2015.

4 **SO STIPULATED.**

5 Dated: November 18, 2015

DENNIS J. HERRERA
City Attorney
ELIZABETH S. SALVESON
Chief Labor Attorney
JONATHAN ROLNICK
JENICA D. MALDONADO
Deputy City Attorneys

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9
10 By: /s/ Jonathan Rolnick
JONATHAN ROLNICK

11 Attorneys for Defendant
12 CITY AND COUNTY OF SAN FRANCISCO
13 LAW OFFICES OF MURLENE RANDLE

Dated: November 18, 2015

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15 By: /s/ Murlene J. Randle
MURLENE J. RANDLE
16 Attorneys for Plaintiffs

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18 I, Jonathan Rolnick, attest that I obtained the consent of Plaintiffs' counsel, Murlene J. Randle,
19 to file this pleading with the Court.

20 Dated: November 18, 2015

JONATHAN ROLNICK
Deputy City Attorney

21 By: /s/ Jonathan Rolnick
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1 **PROPOSED ORDER VACATING PRETRIAL CONFERENCE AND TRIAL DATES**

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3 For good cause appearing, the Court hereby vacates the December 15, 2015 Pretrial

4 Conference and January 11, 2016 Trial date in this action. The parties shall, within 5 court days of the

5 Court's summary judgment order, contact the Court to determine available trial date and advise the

6 Court of the earliest date available and practical for trial of this case.

7 **IT IS SO ORDERED.**

8 Dated: November 19 2015

9 
10 JUDGE MAXINE M. CHESNEY
11 United States District Court