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 11 CITY OF FREMONT, FREMONT TENNIS CENTER,
 12 JEFF GONCE, JOE GRECH, ANNABELLE HOLLAND
 13 and KELLY KING

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 WALTER JEFFERSON,

16 Plaintiff,

17 v.

18 THE CITY OF FREMONT, FREMONT
 19 TENNIS CENTER, JEFF GONCE, JOE
 20 GRECH, ANNABELLE HOLLAND, KELLY
 21 KING and Does 1 through 10, inclusive,

22 Defendants.

Case No. 3:12-cv-00926 EMC

**STIPULATION OF COUNSEL AND
 [PROPOSED] ORDER TO EXTEND DEADLINE
 TO COMPLETE EARLY NEUTRAL
 EVALUATION**

Hon. Edward M. Chen

1 Defendants City of Fremont, a municipal public entity on behalf of itself and the Fremont Tennis
2 Center, Jeff Gonce, Joe Grech, Annabelle Holland, and Kelly King, and Plaintiff Walter Jefferson hereby
3 submit the following Stipulation and Proposed Order extending time to complete Early Neutral
4 Evaluation.

5 WHEREAS on October 12, 2012, the parties appeared for hearing on Defendants' Motion to
6 Dismiss Plaintiff's First Amended Complaint and for case management. The Court denied defendants'
7 motion to dismiss as moot because plaintiff's counsel told the Court that plaintiff will file a second
8 amended complaint to address the issues raised in the motion to dismiss. During the case management
9 conference, Judge Chen agreed with defense counsel that the parties would benefit and it may be a more
10 efficient use of the Court's time for the parties to conduct early neutral evaluation. It was also suggested
11 by defense counsel that before ENE took place, plaintiff should provide a list of witnesses and an offer of
12 proof.

13 WHEREAS the Court then referred the parties to Early Neutral Evaluation to be completed on or
14 before December 11, 2012;

15 WHEREAS the Court also gave plaintiff ninety (90) days to file an amended complaint, with the
16 assumption that ENE would be completed before that date. The Court also indicated it would consider a
17 request to extend time to complete the above schedule given the holiday schedules, travel plans, and
18 litigation schedules of the parties.

19 WHEREAS on Monday, November 19, 2012, plaintiff provided defendants with an Informal
20 (Partial) List of Potential Witnesses;

21 WHEREAS the defendants needed more time to review and meet and confer with plaintiff's
22 counsel on the offer of proof and additional limited necessary discovery so that the ENE would be
23 worthwhile and productive for all parties;

24 WHEREAS the Court approved the parties' stipulation to extend the deadline to complete the
25 ENE and the parties agreed to participate in ENE on February 13, 2013.

26 WHEREAS on January 14, 2013, plaintiff's counsel informed defense counsel that new evidence
27 had come to the attention of plaintiff, which required additional time to investigate in order for plaintiff
28 to participate in the ENE scheduled for February 13, 2013. The parties and ENE evaluator agreed to

1 schedule the ENE for April 29, 2013 and the Court approved the parties' stipulation to extend the time to
2 complete ENE;

3 WHEREAS on February 8, 2013, plaintiff filed his Second Amended Complaint;

4 WHEREAS on February 28, 2013, the ENE Evaluator notified all parties that she had to be out of
5 town for business on April 29, 2013 and proposed to reschedule the ENE during the week of April 22,
6 2013, but plaintiff's counsel advised that she was in trial that week;

7 WHEREAS all parties and the Evaluator have agreed to reschedule the ENE for June 4, 2013.

8 IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

9 The time to complete Early Neutral Evaluation shall be extended to June 4, 2013.

10 SO STIPULATED.

11
12 Dated: April 11, 2013

BERTRAND, FOX & ELLIOT

13
14 By: /s/

Gregory M. Fox

Ilana Kohn

Attorneys for Defendants

CITY OF FREMONT, FREMONT TENNIS

CENTER, JEFF GONCE, JOE GRECH,

ANNABELLE HOLLAND and KELLY KING

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16
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20 Dated: April 11, 2013

MORGAN LOGAN LAW GROUP

21
22 By: /s/

Angela L. Morgan

Attorney for Plaintiff

WALTER JEFFERSON

