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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

18 GREGORY L. SULLIVAN and
 19 KOJI FUJITA,
 20 Plaintiffs,
 21 v.
 22 CITY OF SAN RAFAEL, a government
 entity; SAN RAFAEL POLICE
 23 DEPARTMENT, a government entity;
 24 RYAN DEMARTA, individually, and in
 his capacity as police officer for the CITY
 25 OF SAN RAFAEL; RYAN COGBILL,
 individually, and in his capacity as police
 26 officer for the CITY OF SAN RAFAEL;
 27 and DOES 1 to 100,
 28 Defendants.

Case No.: CV 12-01922 MEJ

**STIPULATION AND ~~[PROPOSED]~~ ORDER
 TO CONTINUE PRETRIAL DATES**

1 The parties, by and through their respective counsel, hereby stipulate and request that the
2 following presently-scheduled pretrial dates be continued, as indicated, to accommodate the parties'
3 ongoing settlement efforts.

- 4 1. Last day to meet and confer re pretrial matters – presently set for August 28, 2013.
5 Requested continuance to September 16, 2013.
- 6 2. Last day to file joint pretrial statement and motions in limine - presently set for September
7 12, 2013. Requested continuance to September 26, 2013.
- 8 3. Last day to file oppositions re in limine motions – presently set for September 19, 2013.
9 Requested continuance to October 3, 2013.
- 10 4. Last day to file joint jury instructions, verdict form, trial briefs and proposed voir dire –
11 presently set for September 27, 2013. Requested continuance to October 7, 2013.
- 12 5. Pretrial conference – presently set for September 26, 2013. Requested continuance to
13 October 10, 2013.

14 The above requests are based on the parties' ongoing settlement efforts. On July 2, 2013, this
15 Court issued a Status Order suggesting the parties would benefit from further settlement discussions. In
16 the same order, this Court requested the parties submit a joint status report and stated: "The parties shall
17 also indicate whether they would like a continuance of any pending pretrial or trial deadlines while they
18 continue with mediation."

19 The parties agreed to submit the matter, which previously had been mediated, to Judge Beeler for
20 a settlement conference. The settlement conference was held on August 12, 2013 and did not result in
21 settlement. However, Judge Beeler suggested the parties continue their efforts and a further settlement
22 conference has been scheduled for September 10, 2013. Because the joint pretrial statement and motions
23 in limine are due on September 12, 2013 and jury instructions, proposed voir dire and trial briefs are due
24 on September 27, 2013, if the pretrial filing deadlines and other related dates are not continued, the
25 parties will all be in the unfortunate position of committing significant resources to trial preparation in a
26 matter they are attempting to resolve.

27 Continuing these dates should not affect the currently-scheduled final pretrial conference and
28

1 trial date.

2 **SO STIPULATED.**

3 Dated: August 23, 2013

BERTRAND, FOX AND ELLIOT

4 By: /s/ Richard W. Osman
5 Richard W. Osman
6 Attorneys for Defendants

7 Dated: August 23, 2013

LAW OFFICE OF JAMES D. RUSH

8 By: /s/ James D. Rush
9 James D. Rush
10 Attorneys for Plaintiffs

11 Dated: August 23, 2013

GEARINGER LAW GROUP

12 By: /s/ Brian K. Gearinger
13 Brian K. Gearinger
14 Attorneys for Plaintiffs

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1 **~~PROPOSED~~ ORDER**

2 Having reviewed the stipulation of counsel herein, IT IS HEREBY ORDERED that:

3 1. the last day to meet and confer re pretrial matters, presently set for August 28, 2013 be
4 continued to September 16, 2013.

5 2. The last day to file joint pretrial statement and motions in limine, presently set for
6 September 12, 2013, be continued to September 26, 2013.

7 3. The last day to file oppositions re in limine motions, presently set for September 19,
8 2013, be continued to October 3, 2013.

9 4. The last day to file joint jury instructions, verdict form, trial briefs and proposed voir dire,
10 presently set for September 27, 2013, be continued to October 7, 2013.

11 5. The Pretrial Conference, presently set for September 26, 2013, be continued to October
12 10, 2013 at 10:00 a.m.

13 6. The final Pretrial Conference remains scheduled for October 24, 2013 at 10:00 a.m.

14 7. Trial remains scheduled for October 28, 2013, commencing at 9:30 a.m.

15 **IT IS SO ORDERED.**

16
17 DATED: August 27, 2013



18 HONORABLE MARIA-ELENA JAMES
19 UNITED STATES MAGISTRATE JUDGE