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10 Attorneys for Defendant
11 JON ALEXANDER

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 MICHAEL REISE, an individual,)
16)
17 Plaintiff,)
18)
19 v.)
20)
21 COUNTY OF DEL NORTE; CRESCENT)
22 CITY; CRESCENT CITY POLICE)
23 DEPARTMENT; COUNTY OF DEL)
24 NORTE SHERIFF'S DEPARTMENT;)
25 JON ALEXANDER; BRIAN NEWMAN;)
26 RICHARD GRIFFIN; BOB BARBER;)
27 KEITH DOYLE; DOUG PLACK; DOES)
28 1-10 inclusive,)
29 Defendants.)
30

Case Number CV-12-03723-WHO
THE PARTIES' STIPULATION AND ORDER
TO CONTINUE JURY TRIAL AND ALL
RELATED DATES

Complaint Filed: July 16, 2012
Trial Date: July 14, 2014

31 Counsel for Defendants COUNTY OF DEL NORTE, RICHARD GIFFIN, CRECENT CITY;
32 CRESCENT CITY POLICE DEPARTMENT, KEITH DOYLE, DOUG PLACK and JON
33 ALEXANDER ("Defendants"), and Plaintiff MICHAEL RIESE ("Plaintiff") hereby stipulate to
34 continue jury trial and all related dates. The parties respectively request the Court to continue the jury
35 trial and all related dates for a minimum of four months. The parties participated in mediation with the
36 Honorable Raul A. Ramirez (ret.) on January 23, 2014 in Sacramento, but did not reach a resolution.

1 Counsel for all parties agree that good cause exists to continue the jury trial and all related dates
2 because of the delay caused by Mr. Claypool's numerous motions and applications to continue case
3 management conferences, hearings and late initial disclosure on behalf of Plaintiff, which consequently
4 delayed the commencement of discovery.

5 **PROCEDURAL HISTORY**

- 6
- 7 1. On July 16, 2012, Plaintiff filed his Complaint for Damages.
 - 8 2. On October 22, 2012 and November 19, 2012, respectively, County of Del Norte filed its
9 Answer and Amended Answer to Plaintiff's Complaint.
 - 10 3. On November 29, 2012, Defendant Crescent City and its Officers filed their Answer to
11 Plaintiff's Complaint.
 - 12 4. On February 15, 2013, Jon Alexander filed his Answer to Plaintiff's Complaint.
 - 13 5. On March 18, 2013, Jon Alexander filed his Notice of Special Motion to strike.
 - 14 6. On April 1, 2013, County of Del Norte and Richard Griffin filed their Notice of Special
15 Motion and Motion to strike.
 - 16 7. On May 7, 2013, Plaintiff filed an Ex Parte Application for an Order Continuing the Case
17 Management Conference and hearing on the Anti-SLAPP motions.
 - 18 8. On May 15, 2013, the Court granted the parties stipulated and proposed order to continue the
19 Case Management Conference and hearing on the Anti-SLAPP motion.
 - 20 **9. On May 29, 2013, Plaintiff's initial counsel, Brian Claypool, filed a motion to withdraw
21 as counsel.**
 - 22
 - 23 10. On June 11, 2013, the Court set an Order continuing the hearing on the Anti-SLAPP motions
24 until after it resolves Mr. Claypool's Motion to Withdraw as Counsel.
 - 25 11. On June 15, 2013, Plaintiff filed a stipulation to continue the CMC and hearing on his motion
26 to withdraw.
 - 27
 - 28 ///
 12. On June 27, 2013, this case was reassigned to the Honorable William H. Orrick and all

1 hearing dates were vacated and ordered to be reset.

2 **13. On August 6, 2013, Mr. Claypool filed a Motion to Withdraw his Motion to Withdraw**
3 **as Counsel.**

4 14. On August 6, 2013, Plaintiff filed a Motion for leave to Amend his Complaint.

5 15. On September 3, 2013, after numerous continuances by the parties, specifically Plaintiff, the
6 Court granted Defendant Alexander's Anti-SLAPP motion and Granted in Part and Denied in
7 Part Defendant Griffin's Anti-SLAPP motion.

8 **16. On October 4, 2013, Mr. Claypool, filed a second motion to withdraw as counsel.**

9 17. On October 9, 2013, the Court denied Plaintiff's Motion for Leave to File an Amended
10 Complaint.

11 18. On October 28, 2013, Mr. Claypool filed an Ex-Parte Application to Appear telephonically
12 or continue the hearing on his motion to withdraw as counsel.

13 19. On November 14, 2013, the Court granted Mr. Claypool's Motion to Withdraw as counsel
14 for Plaintiff after the completion of mediation.

15 **20. On January 7, 2014, the Court granted consent to Plaintiff's substitution of attorney.**

16 21. On January 23, 2014, the parties attended mediation with the Honorable Judge A. Ramirez
17 (ret.) in Sacramento, California, but did not reach a resolution.

18 **ARGUMENT**

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20 As the Court can see, this case has a lengthy procedural history filled with many continuances
21 sought by Plaintiff and/or his previous counsel, Brian Claypool. For example, discovery was delayed
22 by the uncertainty of Plaintiff's counsel. Mr. Claypool filed his first Motion to Withdraw as Counsel
23 on May 29, 2013, but then withdrew that motion approximately 3 months later, just to file a second
24 motion to withdraw two months after withdrawing his first motion, which was ultimately granted on
25 November 14, 2013. Plaintiff's new counsel substituted in on January 7, 2014, shortly before
26 mediation. Thus, discovery was delayed because Plaintiff's representation of counsel was in limbo
27
28

1 from May 29, 2013 to January 7, 2014.

2 Next, the issues in the pleadings were not resolved until September 3, 2013, when the Court
3 issued its Order granting Defendant Jon Alexander's Anti-SLAPP motion and granting in part and
4 denying in part Defendants County of Del Norte and Richard Griffin's Anti-SLAPP motions, which
5 were filed approximately six months earlier, on March 18, 2013 and April 1, 2013, respectively.
6 During that time period, Mr. Claypool sought several continuances of the case management
7 conferences and hearing on Defendants' Anti-SLAPP motions for a variety of reasons, such as
8 scheduling conflicts and medical issues.
9

10 Lastly, this is a complex case with multiple defendants ranging from individuals to law
11 enforcement agencies, several theories of liability and at least thirty-five witnesses who support or
12 contradict Plaintiff's allegations. There is a long history of relationships between the parties and
13 witnesses to explore, with issues commencing in 2006. Thus, because of the numerous continuances
14 of the case management conference, the ruling on the Anti-SLAPP motions and Mr. Claypool's
15 numerous motions to withdraw as counsel, the parties need more time to conduct discovery and further
16 investigate the issues discussed at mediation. Finally, Plaintiff has just retained new counsel as of
17 January 7, 2014.
18

19 Discovery in this matter is currently scheduled to close on March 3, 2014, dispositive motions
20 are due on April 9, 2014. Now that the pleadings, counsel and mediation in this matter have finally
21 been decided or completed, there is simply not enough time left to complete discovery and meet all
22 other pretrial deadlines.
23

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25 //

26 **CONCLUSION**

27 All parties respectfully request that this Court issue an Order continuing the jury trial and all
28

1 related dates for a minimum of four months to on or about October 2014, to permit the parties to
2 conduct discovery, have dispositive motions heard and prepare for trial.

3
4 Dated: January 31, 2014

BRADLEY, CURLEY, ASIANO,
BARRABEE, ABEL & KOWALSKI, P.C.

5
6 By: /s/ Ann M. Asiano
ANN M. ASIANO
7 Attorneys for Defendant
8 JON ALEXANDER
9

10 Dated: January 31, 2014

PATTON, WOLAN, CARLISLE, LLP

11 By: /s/ Clariza C. Garcia
12 STEVEN C. WOLAN
13 CLARIZA C. GARCIA
14 Attorneys for Defendants
15 COUNTY OF DEL NORTE AND
16 RICHARD GRIFFIN

17 Dated: January 31, 2014

HUNT & JEPPSON, LLP

18 By: /s/ Spencer Christensen
19 SPENCER CHRISTENSEN
20 Attorneys for Defendants
21 CRESCENT CITY, CRESCENT CITY POLICE
22 DEPARTMENT, KEITH DOYLE & DOUG PLACK

23 Dated: January 31, 2014

BERG & ASSOCIATES

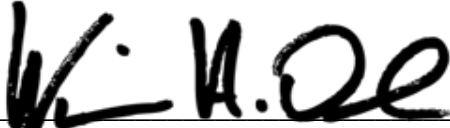
24 By: /s/ Mordechai Pelta
25 MORDECHAI PELTA
26 Attorneys for Plaintiff
27 MICHAEL RIESE
28

ORDER

PURSUANT TO STIPULATION AND THE COURT FINDING GOOD CAUSE, IT IS
HEREBY ORDERED that the jury trial is continued from July 14, 2014 to October 27, 2014. The
following new dates are established:

Non-Expert Discovery cutoff:	May 30, 2014
Expert Designation:	May 30, 2014
Expert Rebuttal Designation:	June 13, 2014
Expert Discovery cutoff:	July 2, 2015
Dispositive and all Motions heard by:	July 16, 2014
Pre-Trial Conference:	September 29, 2014, 2:00 p.m in Courtroom 2

DATED: February 11, 2014



HON. WILLIAM H. ORRICK
UNITED STATES DISTRICT COURT JUDGE