

LAW OFFICES OF
CHOLAKIAN & ASSOCIATES
A PROFESSIONAL CORPORATION
400 OYSTER POINT BLVD., SUITE 415
SOUTH SAN FRANCISCO, CALIFORNIA 94080

1 JOHN L. BURRIS, Esq. (SBN 69888)
2 DEWITT LACY, Esq. (SBN 258789)
3 LAW OFFICES OF JOHN L. BURRIS
4 7677 Oakport Street, Suite 1120
5 Oakland, CA 94621
6 Telephone: (510) 839-5200
7 Facsimile: (510) 839-3882
8 E-Mail: john.burris@johnburrislaw.com
9 Attorneys for Plaintiff
10 KIERON CARR

11 GAYLA B. LIBET, Esq. (SBN 109173)
12 LAW OFFICES OF GAYLA B. LIBET
13 486 41st Street, Suite 3
14 Oakland, CA 94609
15 Telephone and Facsimile: (510) 420-0324
16 E-Mail: glibet@sbcglobal.net
17 Attorneys for Plaintiff
18 KIERON CARR

19 KEVIN K. CHOLAKIAN (SBN 103423)
20 BRIAN FINN (SBN 142368)
21 CHOLAKIAN & ASSOCIATES
22 A Professional Corporation
23 400 Oyster Point Blvd., Ste. 415
24 South San Francisco, CA 94080
25 Telephone: (650) 871-9544
26 Facsimile: (650) 871-9552
27 email: bfinn@cholakian.net

28 Attorneys for Defendants
OAKLAND HOUSING AUTHORITY, OAKLAND HOUSING
AUTHORITY POLICE DEPARTMENT, CHIEF CAREL DUPLESSIS,
SERGEANT KENNETH NIELSEN, OFC. JOSHUA RUIZ,
OFC. T. GODFREY AND OFC. N. MUMBOWER

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

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

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

KIERON CARR,

Plaintiff,

vs.

OAKLAND HOUSING AUTHORITY, a
governmental entity; OAKLAND HOUSING
AUTHORITY POLICE DEPARTMENT, a
governmental entity; CAREL J. DUPLESSIS,
in his capacity as Chief of Police for
OAKLAND HOUSING AUTHORITY
POLICE DEPARTMENT; T. GODFREY; N.
MUMBOWER; KENNETH NIELSON,
JOSHUA RUIZ; and R. FLORES,
individually, and in their capacity as police
officers for OAKLAND HOUSING
AUTHORITY POLICE DEPARTMENT; and
DOES 4-25, inclusive,

Defendants.

) Case No.: 3:12-CV-4051EMC
)
) **STIPULATION TO CONTINUE**
) **SETTLEMENT CONFERENCE**
) **ORDER**

All parties to this action stipulate and agree, by and through their respective counsel,
as follows:

1. Plaintiff's counsel was unable to serve plaintiff's First Amended Complaint and
Summons, filed on 1-16-13, until April 2013. The reasons are as follows:

(a) On 2-6-13, plaintiff's process server served defense counsel with the First Amended
Complaint and Summons on behalf of the named individual officers. Mr. Finn informed the
process server that he was authorized to accept service for Oakland Housing Authority and Ofc.
Nielsen, Ofc. Ruis and Chief Duplessis, but not Ofc. Mumbower, Ofc. Flores and Ofc. Godfrey;

(b) On 3-7-13, plaintiff's counsel, Gayla B. Libet, received an e-mail from Sandra Mack,
employed at defense counsel's office, in which she stated that defense counsel, Brian Finn,
accepted service on defendant officers Flores, Mumbower and Godfrey, but that Mr. Finn did
not recall what date it was served on him. She asked that Ms. Libet inform her on which date
service occurred;

1 (c) On 3-8-13, Ms. Libet replied to Ms. Mack's e-mail stating that Mr. Finn had
2 accepted service on 2-26-13;

3 (d) On 3-8-13, defense counsel, Brian Finn, sent plaintiff's counsel, Ms. Libet an e-mail
4 stating that he had not accepted service on behalf of the named individual officers. He also stated
5 that he was trying to get authority to accept service for all defendants, and that he should receive
6 that authority by early in the next week;

7 (e) Proofs of Service on all defendants were filed on 4-8-13, after service on individual
8 defendant officers was accepted by defense counsel on 3-26-13;

9 (f) On 4-8-13, defense counsel, Brian Finn, sent plaintiff's counsel an E-mail stating he
10 was having trouble contacting some of the individual defendant officers, since not all of them
11 still work for defendant OHA, and asked for an extension of time to file Answer to First
12 Amended Complaint until 4-11-13;

13 (g) On 4-11-13, defense counsel, Brian Finn, sent a letter to Ms. Libet stating that
14 defendants' Answer to First Amended Complaint was enclosed, and that he was not able to
15 accept service on behalf of defendant officer Flores, who has not worked for OHA for some
16 time. All Defendants have answered except for Ofc. Flores, who has not been served;

17 2. Given the above events, the parties have not yet conducted discovery sufficient for a
18 fruitful Settlement Conference to occur. No depositions have been taken, and no written
19 discovery has been served. The parties will serve written discovery by 5-10-13, and notices of
20 any depositions they want to take shortly thereafter;

21 3. Since the parties cannot conduct a meaningful Settlement Conference at this time, the
22 parties agree that the Settlement Conference presently scheduled to take place on May 16, 2013,
23 at 9:30 a.m., Ctrm. A, 15th Floor, S.F. before Honorable Magistrate Judge Nathaneal Cousins,
24 should be rescheduled to a date and time sixty (60) to ninety (90) days from the presently
25 scheduled date.

26 Dated: May 8, 2013

LAW OFFICES OF JOHN L. BURRIS

27 By /s/ John L. Burris
28 JOHN L. BURRIS, Esq.
Attorneys for Plaintiff
KIERON CARR

///

///

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

Dated: May 8, 2013

LAW OFFICES OF GAYLA B. LIBET

By /s/ Gayla B. Libet
GAYLA B. LIBET, Esq.
Attorneys for Plaintiff
KIERON CARR

Dated: May 8, 2013

CHOLAKIAN & ASSOCIATES
A Professional Corporation

By /s/ Brian J. Finn
Brian Finn
Attorneys for Defendants
OAKLAND HOUSING AUTHORITY,
OAKLAND HOUSING AUTHORITY POLICE
DEPARTMENT, CHIEF CAREL DUPLESSIS,
SERGEANT KENNETH NIELSEN, OFC.
JOSHUA RUIZ, OFC. T. GODFREY AND OFC.
N. MUMBOWER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED
that the CMC is reset from
5/30/13 to 9/5/13 at 10:30 a.
m.

Dated: 5/10/13

