

1 Mark Martel, State Bar No. 147970  
 2 Attorney At Law  
 3 425 Sherman Ave. #330  
 4 Palo Alto, CA 94306  
 5 Tel: (650) 470-2650  
 6 Fax: (650) 470-2654  
 7 e-mail: markmartel@aol.com

8 Attorney for Plaintiff Scott Olsen

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 Scott Olsen, an individual,

13 Plaintiff,

14 v.

15 The City of Oakland; the Oakland Police  
 16 Department; Robert Roche; and Does 1-10,

17 Defendants.

Case No. C-12-6333 SI

**STIPULATION AND ORDER  
 EXTENDING TIME TO COMPLETE  
 SETTLEMENT CONFERENCE**

18 The parties hereby stipulate to, and request the Court's approval of additional time to conduct  
 19 a settlement conference in this case, for the following reasons:

20 Plaintiff's complaint alleges that an unidentified officer of the Oakland Police Department  
 21 shot Plaintiff in the head during an October 2011 Occupy Oakland demonstration, causing brain  
 22 injury. Trial in this case is set for October 6, 2014.

23 The Court referred the case to Magistrate Judge Joseph Spero for a settlement conference,  
 24 and a settlement conference is presently scheduled before Judge Spero on July 17, 2013.

25 Defendants have informed Plaintiff that the individual who fired the round that hit Plaintiff  
 26 Scott Olsen in the head was most likely Oakland Police Officer Robert Roche. Plaintiff understands  
 27 that Officer Roche was previously involved in several other shootings. Plaintiff therefore  
 28 propounded requests for documents concerning investigation of Officer Roche, and other incidents  
 of alleged unlawful use of force against Oakland police officers. Plaintiff contends that he needs

1 these documents in order to add claims related to Defendants' response to alleged unlawful use of  
2 force by Officer Roche and other Oakland police officers.

3 Production of documents was originally due in response to these requests in mid-June 2012.  
4 Defendants need additional time to produce responsive documents, and require entry of a Protective  
5 Order in order to produce documents concerning investigations of allegations of unlawful use of  
6 force. Plaintiff wants to have Defendants' production of documents in time to review them; amend  
7 his complaint to present additional claims; and use the information obtained from documents in his  
8 settlement conference statement.

9 In addition, it would greatly increase the chances of settlement to give Defendants additional  
10 time to receive and evaluate the medical findings and opinions of Plaintiff's experts.

11 Judge Spero presently has August 19, 2013 available for a half-day settlement conference.  
12 The parties are uncertain that they can resolve this case in a half-day settlement conference, so they  
13 have inquired about additional settlement conference dates. Judge Spero's next available date for  
14 settlement conference after August 19, 2013 is December 2, 2013.

15 The parties wish to schedule August 19, 2013 for a half-day settlement conference with Judge  
16 Spero, and if necessary, continue their efforts to resolve the case with him on December 2, 2013.

17 The present scheduling order in this case states that the parties will complete a settlement  
18 conference by the end of July 2013. In light of the above, the parties would like until December 20,  
19 2013 to complete settlement conference efforts.

20 Continuing the parties' settlement conference to August 19, 2013 will also require  
21 rescheduling of the Case Management Conference before Judge Illston, which is presently set for  
22 August 16, 2013. To maintain the period of approximately one month between settlement conference  
23 and Case Management Conference that is in the present Pretrial Order, the parties propose  
24 September 20, 2013 for the next Case Management Conference.  
25

26 Finally, since Defendants anticipate producing documents in response to Plaintiff's requests  
27 within the next 1-2 weeks, and Plaintiff will need time to review those documents to amend his  
28 complaint, Plaintiff wishes to have until July 31, 2013 to file a First Amended Complaint.

1 For the foregoing reasons, the parties stipulate, and request the Court's approval of, the  
2 following modifications to the Pretrial Order in this case:

3 1. Plaintiffs will have until July 31, 2013 to file either a stipulation and order, or a motion, to  
4 file a First Amended Complaint.

5 2. The parties will conduct a settlement conference before Magistrate Judge Joseph Spero on  
6 August 19, 2013, and will complete any further settlement conference(s) by December 20, 2013.

7 3. The further Case Management Conference presently scheduled for August 16, 2013  
8 before Hon. Susan Illston is continued to September 13, 2013.

9  
10 Dated: July 8, 2013

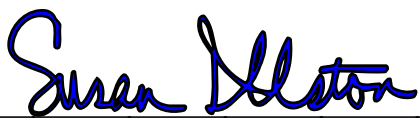
/s/ Mark Martel  
Mark Martel  
Attorney At Law  
Attorney for Plaintiff Scott Olsen

11  
12  
13 Dated: July 8, 2013

/s/ William E. Simmons  
William E. Simmons  
Supervising Deputy City of Attorney  
Oakland City Attorney  
Attorney for Defendants

14  
15  
16 SO ORDERED.

17  
18 Dated: July 10, 2013

  
Susan Illston  
Hon. Susan Illston  
United States District Court Judge