

NO FEE DUE
GOV'T CODE § 6103

1 HANSON BRIDGETT LLP
KIMON MANOLIUS, SBN154971
2 kmanolius@hansonbridgett.com
ALEXANDRA V. ATENCIO, SBN 227251
3 aatencio@hansonbridgett.com
425 Market Street, 26th Floor
4 San Francisco, California 94105
Telephone: (415) 777-3200
5 Facsimile: (415) 541-9366

6 Attorneys for Defendants
PENINSULA CORRIDOR JOINT POWERS
7 BOARD, UNION PACIFIC RAILROAD
COMPANY, and NATIONAL RAILROAD
8 PASSENGER CORPORATION

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**
12

13 MARK MORGAN,

14 Plaintiff,

15 v.

16 PENINSULA CORRIDOR JOINT POWERS
BOARD; THE CITY AND COUNTY OF
17 SAN FRANCISCO; UNION PACIFIC
RAILROAD COMPANY; and DOES 1-100 ,

18 Defendants.
19

CASE NO. 13-CV-1041 JSC

**STIPULATION TO VACATE AND
CONTINUE SETTLEMENT CONFERENCE**

ORDER

Action Filed: November 2, 2011
Removal Date: March 7, 2013
Trial Date: April 21, 2014

20
21 **STIPULATION**

22 WHEREAS, the settlement conference before United States Magistrate Judge Laurel
23 Beeler is currently scheduled for August 28, 2013 at 9:30 a.m.;

24 WHEREAS, Plaintiff alleges that he underwent an accident-related back surgery in May
25 2013 and subsequently suffered a meniscus tear while doing physical therapy for his back;

26 WHEREAS, Plaintiff alleges that both the back and knee injury were caused by the
27 accident at issue in the Complaint;

28 WHEREAS, the parties have not conducted any discovery related to those claimed injuries

1 during the course of this litigation;

2 WHEREAS, the parties agreed to, and have, undertaken immediate action to obtain all
3 related medical records via subpoena and/or medical records requests, but cannot be certain at this
4 time when they will receive responsive documents;

5 WHEREAS, on July 19, 2013, Plaintiff's counsel informed Defendants' counsel that
6 Plaintiff intends to undergo knee surgery on August 13, 2013 and will be on doctor-ordered
7 physical restrictions for 8-10 weeks thereafter, and will also continue to undergo physical therapy
8 for his back;

9 WHEREAS, Plaintiff's 8-10 week rehabilitation period following his August 13, 2013
10 surgery will likely affect Plaintiff's ability to fully participate in an Independent Medical
11 Examination anytime before October 8, 2013 at the earliest;

12 WHEREAS, the parties have met and conferred, and all counsel desire to vacate and
13 continue the August 28, 2013 settlement conference to allow adequate time for discovery related
14 to Plaintiff's newly-claimed injuries, and to conduct a meaningful Independent Medical
15 Examination of Plaintiff;

16 WHEREAS, the court issued a minute order requiring the settlement conference to be
17 conducted by September 13, 2013, therefore, the parties agree to jointly seek a continuance of the
18 settlement conference deadline and any other case management deadlines that may be affected by
19 vacating the settlement conference from Judge Corley;

20 NOW, THEREFORE, the parties to this action, through their undersigned counsel stipulate
21 and ask the Court to enter its order as follows:

- 22 1. The settlement conference scheduled for August 28, 2013 is vacated.
- 23 2. The court will reset the settlement conference for a later date if and when the
24 parties obtain a continuance of the September 13, 2013 deadline to conduct the settlement
25 conference from Judge Corley.

26 **SIGNATURES UNDER GENERAL ORDER NO. 45**

27 Pursuant to General Order No. 45 of the United States District Court, Northern District of
28 California, I, Alexandra V. Atencio-- the ECF User whose User ID and Password are used in the

1 filing of this document -- hereby attest that the concurrence of the filing of this document has been
2 obtained from each of the other signatories to this document.

3
4 DATED: August 9, 2013

HANSON BRIDGETT LLP

5
6 By: /s/ Alexandra V. Atencio

7 KIMON MANOLIUS
ALEXANDRA V. ATENCIO

8 Attorneys for Defendants
9 PENINSULA CORRIDOR JOINT POWERS
10 BOARD, UNION PACIFIC RAILROAD
COMPANY, and NATIONAL RAILROAD
PASSENGER CORPORATION

11 DATED: August 9, 2013

THE ZINN LAW FIRM

12
13 By: /s/ T. Andrew Davies

14 CARTER M. ZINN
15 T. ANDREW DAVIES

16 Attorneys for Plaintiff Mark Morgan

17 DATED: August 9, 2013

SAN FRANCISCO OFFICE OF THE
CITY ATTORNEY

18
19 By: /s/ David A. Delbon

20 DENNIS J. HERRERA
21 CHERYL ADAMS
DAVID A. DELBON

22 Attorneys for Defendant The City and
23 County of San Francisco

24 Date: August 13, 2013

