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13 Attorneys for Defendants  
 14 CITY AND COUNTY OF SAN FRANCISCO,  
 ANDREW GUILLORY, LENIDA REYES and STEPHEN YEUNG

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 PAUL M. HAYNES,  
 20 Plaintiff,  
 21 vs.  
 22 CITY AND COUNTY OF SAN  
 FRANCISCO, ANDREW GUILLORY,  
 23 LENIDA REYES, STEPHEN YEUNG, AND  
 DOES 1 THROUGH 50, INCLUSIVE,  
 24 Defendants.

Case No. CV 13-1567 MEJ

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE TRIAL DATE**

Trial Date: August 11, 2014

1 Pursuant to Local Rule 6-2, the Parties hereby stipulate to continue the trial date, and therefore  
2 request that the Court continue the trial date from August 11, 2014 to January 26, 2015. For the  
3 reasons summarized below, and set forth in greater detail in the Declaration of Na'il Benjamin, the  
4 Parties request that the Court set the following trial schedule:

- 5 A. Completion of Non-Expert Discovery: August 29, 2014
- 6 B. Complete Expert Discovery: September 19, 2014
- 7 C. Last Day To Hear Dispositive Motions: October 30, 2014
- 8 D. Final Pre-Trial Conference: December 17, 2014
- 9 E. Trial Date: January 26, 2015

10 The Parties cannot complete fact discovery, submit dispositive motions, or otherwise properly  
11 prepare this matter for trial for several reasons; including:

- 12 (1) Lawrence Hecimovich, prior lead trial counsel for defendants, began  
13 observing a long term leave from his position with the City in October 2013;
- 14 (2) Na'il Benjamin, the attorney now assigned to this matter, was scheduled to  
15 begin parental leave on December 23, 2013 through March 2014, and had a  
16 previously set trial calendar in 2014 which conflicts with the ability to complete  
17 discovery and adequately prepare for trial in this matter before January 2015;  
18 and
- 19 (3) the parties have rescheduled their settlement conference and are actively  
20 discussing settlement with hopes of avoiding unnecessary costs and litigation.

21 As a result of Mr. Hecimovich's leave of absence, Mr. Benjamin is new to this litigation and  
22 will need sufficient time to understand the facts, arguments, and legal issues. However, Mr.  
23 Benjamin's son was born on December 22, 2013, and he was scheduled to begin parental leave on  
24 December 23, 2013. He is currently scheduled to return to work in March 2014 and cannot fully  
25 engage in that process until he returns.

26 According to the current Case Management Order, Mr. Benjamin will be observing parental  
27 leave when several critical deadlines will pass: (1) disclosure of expert witnesses; (2) completion of  
28 fact discovery; (3) completion of expert discovery; and (4) the filing of dispositive motions.  
Moreover, Mr. Benjamin would not have been assigned to this matter long enough to be sufficiently  
prepared to complete these tasks by the currently scheduled deadlines.

1 With these concerns in mind, the parties entered a stipulation to continue the date for  
2 completing the settlement conference. That conference is now scheduled for March 19, 2014.  
3 Although the parties are actively involved in discussing and evaluating settlement, the parties would  
4 like to hold-off on spending time and money litigating this matter until the parties have fully evaluated  
5 and pursued a settlement in this case.

6 Lastly, Mr. Benjamin is currently scheduled to be in labor negotiations regarding three  
7 different bargaining unit contracts between March 2014 and May 2014, interest arbitration on April  
8 24-27 and May 2, a two week jury trial before Judge Wilken beginning May 12, 2014, a labor  
9 arbitration scheduled on June 17, 2014, and another three week state court trial beginning July 14,  
10 2014.

11 Continuing the trial date through January 2015 at the earliest – and the related deadlines –  
12 serves the interest of justice, provides the parties fair and adequate time to complete preparation for  
13 trial, and avoids undue prejudice to Defendants due to the undersigned’s unavailability and newness to  
14 this litigation. For the reasons summarized above, and set forth in detail in the declaration of Na’il  
15 Benjamin, the Parties request that the Court set the following trial schedule:

- 16 A. Completion of Non-Expert Discovery: August 29, 2014
- 17 B. Complete Expert Discovery: September 19, 2014
- 18 C. Last Day To Hear Dispositive Motions: October 30, 2014
- 19 D. Final Pre-Trial Conference: December 17, 2014
- 20 E. Trial Date: January 26, 2015

21  
22 Dated: January 9, 2014

LAW OFFICES OF BONNER & BONNER  
CHARLES BONNER, ESQ.

23  
24 By:           /s:/Charles Bonner            
25 CHARLES BONNER  
26 Attorney for Plaintiff  
27 PAUL M. HAYNES

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Dated: January 9, 2014

DENNIS J. HERRERA  
City Attorney  
ELIZABETH SALVESON  
Chief Labor Attorney  
NA'IL BENJAMIN  
Deputy City Attorneys

By:       /s:/Na'il Benjamin        
NA'IL BENJAMIN  
Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO, et al.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT:

2 The currently scheduled trial date of August 11, 2014, shall be continued to January 26, 2015.

3 The new pre-trial schedule is as follows:

4 A. Completion of Non-Expert Discovery: August 29, 2014

5 B. Complete Expert Discovery: September 19, 2014

6 C. Last Day To Hear Dispositive Motions: October 30, 2014

7 D. Final Pre-Trial Conference: December <sup>18</sup>~~17~~, 2014

8 E. Trial Date: January 26, 2015

9 ~~PROPOSED~~ ORDER

10  
11 Dated: January 9, 2014



MARIA ELENA JAMES  
UNITED STATES DISTRICT COURT MAGISTRATE  
JUDGE