

1 **JOHN L. BURRIS, Esq., SBN 69888**  
 2 **BEN NISENBAUM, Esq., SBN 222173**  
 3 **LAW OFFICES OF JOHN L. BURRIS**  
 4 Airport Corporate Center  
 5 7677 Oakport Street, Suite 1120  
 6 Oakland, California 94621  
 7 Telephone: (510) 839-5200 Facsimile: (510) 839-3882  
 8 John.Burris@johnburrislaw.com

9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12	MARIA MCCULLOUGH, individually )	Case No.: 3:13-cv-05425-NC
13	and as co-successor-in-interest to )	
14	Decedent DONALD MCCULLOUGH SR.; )	<b>REQUEST TO CONTINUE CASE</b>
15	MINNIE MCCULLOUGH, individually and )	<b>MANAGEMENT CONFERENCE</b>
16	as co-successor-in-interest to Decedent )	<b>AND STAY ALL RULE 26</b>
17	DONALD MCCULLOUGH SR.; )	<b>OBLIGATIONS RELATED</b>
18	DONYELL MCCULLOUGH, individually )	<b>THERE TO AND <del>PROPOSED</del></b>
19	and as co-successor-in-interest to Decedent )	<b>ORDER</b>
20	DONALD MCCULLOUGH SR.; )	
21	DONALD MCCULLOUGH JR., individually )	
22	and as co-successor-in-interest to Decedent )	
23	DONALD MCCULLOUGH SR and DEVON )	
24	MATTHEWS, individually and as )	
25	co-successor-in-interest to Decedent )	
26	DONALD MCCULLOUGH SR., )	
27	Plaintiffs, )	
28	)	
	vs. )	
	)	
1	CONTRA COSTA COUNTY, a municipal )	
2	corporation; SHERIFF'S DEPUTY MITCH )	
3	MOSCHETTI, Individually, SHERIFF'S )	
4	DEPUTY ERIC VAN SCOY, Individually, )	
5	SHERIFF'S DEPUTY MATTHEW )	
6	INGERSOLL, Individually, SHERIFF'S )	
7	DEPUTY DILLON HUME, Individually, )	
8	SHERIFF'S DEPUTY JOSEPH JACINTO, )	
9	Individually and DOES 1-50, Jointly )	
10	and Severally, )	
11	Defendants. )	

1 WHEREAS the plaintiff filed the instant complaint on November 21,  
2 2013;

3 WHEREAS the instant complaint filed on November 21, 2013 was  
4 served on the defendants in this matter on January 28, 2014;

5 WHEREAS the defendants' answer is due February 18, 2014;

6  
7 WHEREAS the Case Management Statement in the instant matter is due  
8 on February 12, 2014 and the Case Management Conference is scheduled for  
9 February 19, 2014 at 10:00 a.m.;

10 WHEREAS due to all of the above the plaintiffs are requesting that the  
11 Case Management Conference is rescheduled to a date thirty-five days or  
12 thereabout from February 19, 2014 or to March 26, 2014 at 10:00 a.m. or as  
13 soon thereafter as the matter may be heard by the Court.  
14

15 All Rule 26 obligations shall be continued in relation to the new Case  
16 Management Conference date per the Federal Rules of Civil Procedure and  
17 Local Rules.  
18

19  
20 Respectfully submitted,  
21

22 **LAW OFFICES OF JOHN L. BURRIS**

23  
24 Dated: February 10, 2014,

By: /s/ Benjamin Nisenbaum

John L. Burris, Esq.

Benjamin Nisenbaum, Esq.

Attorney for Plaintiffs

Maria McCullough, et al.

25  
26  
27  
28

2

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

~~PROPOSED~~ ORDER

This matter comes before the Court upon the Plaintiffs' Request to Continue Case Management Conference and Stay All Rule 26 Deadlines Related Thereto. Upon careful scrutiny, and for good cause shown, the Court finds the request well taken and grants the request to continue the Case Management Conference and stay all related Rule 26 obligations.

Accordingly, it is hereby ORDERED that:

1. The Case Management Conference, originally set for hearing on February 19, 2014, shall be continued to March 26, 2014 at 2:00 p.m.

Parties must file consent or declination no later than March 19, 2014.

2. All Rule 26 obligations shall be continued in relation to the new Case Management Conference date per the Federal Rules of Civil Procedure and Local Rules.

IT IS SO ORDERED.

DATED: February 10, 2014

