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 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12 **MARK STEPHEN PERRY,**

13 Plaintiff,

14 v.

15 **KEVIN CHAPPELL, et al.,**

16 Defendants.  
 17

Case No. 14-CV-04111 NC

18 **STIPULATION AND ~~PROPOSED~~**  
**ORDER TO CONTINUE CASE**  
**MANAGEMENT CONFERENCE DATE**  
**AS MODIFIED**

Judge: The Honorable Nathanael Cousins

Trial Date: None

Action Filed: September 10, 2014

19 Plaintiff Mark Stephen Perry (Plaintiff) and Defendant K. Chappell (Defendant), through  
 20 their undersigned counsel of record, stipulate and agree as follows:

- 21 1. On September 10, 2014, Plaintiff commenced this action, filing his  
 22 original complaint entitled *Mark Stephen Perry v. Kevin Chappell, et al.* (ECF No. 1.)  
 23 2. On September 11, 2014, Magistrate Judge Nathaniel Cousins issued the Order Setting  
 24 Initial Case Management Conference and Alternative Dispute Resolution (ADR) Deadlines.  
 25 (ECF No. 4). The Court scheduled the Case Management Conference for December 10, 2014,  
 26 with the Case Management Statement due on December 3, 2014. (*Id.*)  
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1           3.     On October 22, 2014, the Court issued Summons to Defendant and Instructions  
2 regarding service of process to the U.S. Marshal's Service for the Northern District of California.  
3 (ECF No. 9.)

4           4.     On December 2, 2014, the Clerk of the Court issued a notice continuing the Initial  
5 Case Management Conference to January 7, 2015 at 10:00 AM. (ECF No. 12.)

6           5.     On December 10, 2014, Defendant executed a Notice of Receipt and  
7 Acknowledgment of Summons. (ECF No. 14.)

8           6.     On December 31, 2014, Defendant answered Plaintiff's complaint. (ECF No. 21.)

9           7.     On January 5, 2015, counsel for the parties conducted an ADR teleconference with  
10 the Northern District's ADR Program Director. After discussing the early stage of this case with  
11 the Director, the parties agreed to a further ADR conference on March 31, 2014.

12          8.     Because Defendant has just answered Plaintiff's complaint and because the parties  
13 need to conduct their preliminary investigation concerning the case, counsel agree that a Case  
14 Management Conference is premature at this time. To allow the parties to assess the case and  
15 better use the Court's time and resources, the parties respectfully request that the Court continue  
16 the Initial Case Management Statement deadline and the Initial Case Management Conference  
17 date for a period of ninety (90) days.

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1 ACCORDINGLY, the parties stipulate and respectfully request that the Court issue an  
2 order continuing the dates and deadlines set forth in the September 11, 2014 Initial Case  
3 Management Scheduling Order and the December 2, 2014 Clerk's Notice Continuing Case  
4 Management Conference as follows:

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April 1, 2015	Case Conference Statement due
April 8, 2015	Initial Case Management Conference

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8 IT IS SO STIPULATED.

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10 Dated: 1/6/2015 /s/ Mark W. Kelsey  
11 Mark W. Kelsey  
12 Law Offices of Mark W. Kelsey  
13 Attorney for Plaintiff Mark Perry

14 Dated: 1/6/2015 /s/ Kyle A. Lewis  
15 Kyle A. Lewis<sup>1</sup>  
16 California Attorney General's Office  
17 Attorneys for Defendant K. Chappell

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27 <sup>1</sup> In accordance with Civil L.R. 5-1(i)(3), counsel for Defendant attests that concurrence in  
28 the filing of this stipulation has been obtained from Plaintiff's counsel.

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**~~PROPOSED~~ ORDER**

Having reviewed and considered the Joint Stipulation of the parties, and good cause appearing therefor, IT IS HEREBY ORDERED that the dates and deadlines set forth in the September 11, 2014 Initial Scheduling Order and the December 2, 2014 Clerk's Notice be continued as follows:

April <sup>8</sup> <del>1</del> , 2015	Case Conference Statement due
April <sup>15</sup> <del>8</del> , 2015	Initial Case Management Conference , Courtroom 7, 4th Floor San Jose Courthouse. Counsel may appear telephonically.

Dated: January 6, 2015

