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 21 COUNTY OF ALAMEDA and GREGORY AHERN

22 UNITED STATES DISTRICT COURT  
 23 NORTHERN DISTRICT OF CALIFORNIA

24 RICHARD FLEMMING

25 Plaintiff,

26 v.

27 COUNTY OF ALAMEDA, et al.

28 Defendants.

Case No. 3:14-cv-05542-TEH

**STIPULATION TO CONTINUE MEDIATION  
 COMPLIANCE DEADLINE; [~~PROPOSED~~]  
 ORDER**

**Hon. Thelton E. Henderson**

**STIPULATION**

Defendants COUNTY OF ALAMEDA and GREGORY AHERN and plaintiff RICHARD FLEMMING by and through their respective attorneys of record, hereby stipulate as follows:

1           1.       By order dated March 10, 2015 the parties' stipulation to participate in mediation was  
2 adopted and ordered. Pursuant to the Court's order, the parties' deadline to complete mediation is  
3 September 6, 2015. No trial date has been set.

4           2.       By order filed May 6, 2015, the parties were assigned to mediator Mr. William M.  
5 Goodman.

6           3.       On May 19, 2015, the parties participated in a pre-mediation phone conference with Mr.  
7 Goodman and scheduled mediation to take place on August 11, 2015. August 11, 2015 was the latest date  
8 before the mediation compliance deadline that Mr. Goodman and the parties were available for  
9 mediation.

10          4.       Following the scheduling of mediation, the parties determined that they will be unable to  
11 meaningfully participate in mediation by August 11, 2015 because of scheduling difficulties.

12          5.       The parties have diligently pursued discovery in this matter. However, the essential  
13 deposition of Plaintiff has been delayed due the parties' unavailability. Moreover, Defendant's responses  
14 to Plaintiff's written discovery requests remain outstanding given the number of requests and the  
15 unavailability of County personnel. Plaintiff's deposition has now been scheduled for August 27, 2015,  
16 the first date available for all parties.

17          6.       Additionally, Plaintiff's counsel will be involved in a no time waiver multi-defendant  
18 preliminary hearing in mid-August.

19          7.       The parties have made good-faith efforts to prepare to meaningfully participate in  
20 mediation. However, due to the unanticipated difficulty in scheduling the essential deposition of Plaintiff,  
21 the ongoing exchange of written discovery, unforeseen scheduling conflicts, and the limited availability  
22 of the mediator, the parties will be unable to complete necessary discovery and adequately prepare for  
23 mediation in compliance with this Court's September 6, 2015 deadline.

24          8.       In a good-faith effort to comply with this Court's order referring the parties to mediation,  
25 the parties have rescheduled mediation with Mr. Goodman for October 27, 2015, subject to this Court's  
26 approval of the stipulated request herein to continue the mediation compliance deadline in this matter  
27 through such date. An earlier mediation date could not be selected because Mr. Goodman advised the  
28 parties that he is unavailable for mediation all of September and the majority of October.

1 9. For the good cause reasons stated above, the parties respectfully request this Court extend  
2 the deadline to complete mediation to October 27, 2015, to provide the parties additional time to  
3 complete necessary pre-mediation discovery. The parties further respectfully request this Court continue  
4 the presently scheduled August 31, 2015 case management conference to a date after October 27, 2015 as  
5 convenient to the Court.

6 10. The parties respectfully request that the Court approve this stipulation and incorporate its  
7 terms in an Order.

8 **IT IS SO STIPULATED.**

9  
10 Dated: July 30, 2015

LAW OFFICE OF AUTUMN R. PAINE

11 By: /s/Autumn Paine  
12 Autumn Paine  
13 Attorney for Plaintiff  
RICHARD FLEMMING

14 Dated: July 30, 2015

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

15 By: /s/Michael C. Wenzel  
16 Michael C. Wenzel  
17 Attorneys for Defendants  
18 COUNTY OF ALAMEDA  
and GREGORY AHERN

19 **ORDER**

20 GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to the same, the  
21 parties' stipulation is hereby APPROVED. The mediation compliance deadline currently set for  
22 September 6, 2015 is continued to October 27, 2015. The Case Management Conference scheduled for  
23 August 31, 2015 at 1:30 p.m. is continued to November 9, 2015 at 1:30 PM.

24 **IT IS SO ORDERED.**

25  
26 Dated: 08/03/2015

27  
28  
THE  
United S  
Judge Thelton E. Henderson  
NORTHERN DISTRICT OF CALIFORNIA

