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 8 Daniel Hernandez

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 DANIEL HERNANDEZ,
 12 Plaintiff,
 13 vs.
 14 FRANK PEREIRA, et al.,
 15 Defendants.

Case No. 3:15-cv-00796

**STIPULATION AND [~~PROPOSED~~]
 ORDER SETTING CASE
 MANAGEMENT SCHEDULE AND
 SELECTING ADR PROCESS**

Judge: Hon. Jon S. Tigar
 Dept.: Courtroom 9, 19th Floor

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 18 Pursuant to Civil Local Rule 6-2, Plaintiff Daniel Hernandez (“Plaintiff”) and Defendant
 19 City and County of San Francisco (“Defendant,” and jointly with Plaintiff, the “Parties”), through
 20 their respective counsel of record herein, hereby agree and stipulate to the following:
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STIPULATION

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2 WHEREAS, the Parties previously stipulated on June 22, 2015, to the ADR process of
3 Mediation to be completed after the hearing on dispositive motions (dkt. no. 11);

4 WHEREAS, Plaintiff's counsel filed a Motion to Withdraw (dkt. no. 23), and it was
5 granted by the Court on October 14, 2015 (dkt. no. 25);

6 WHEREAS, Plaintiff appeared pro per at the Court's Initial Case Management
7 Conference held on February 10, 2016 (dkt. no. 30), and the Further Case Management
8 Conference on March 9, 2016 (dkt. no. 33) and filed a Case Management Statement on his own
9 behalf (dkt. no. 32);

10 WHEREAS, the Court's scheduling order entered on March 25, 2016, set the following
11 deadlines: (1) deadline to add parties or amend the pleadings was March 8, 2016; (2) fact
12 discovery cut-off was September 30, 2016; (3) expert disclosures were due October 21, 2016; (4)
13 expert rebuttal deadline was November 11, 2016; (5) expert discovery cut-off was December 2,
14 2016; (6) deadline to file dispositive motions was December 23, 2016; (7) pretrial conference
15 statement was due March 14, 2017; (8) pretrial conference was set for March 24, 2017; and (9)
16 jury trial was set for April 17, 2017;

17 WHEREAS, the case was reassigned to Defendant's undersigned counsel, Ms. Renée
18 Erickson, on March 29, 2016 (dkt. no. 35);

19 WHEREAS, Plaintiff filed a Motion to Appoint Counsel for Limited Scope
20 Representation (dkt. no. 36), and the Court referred this matter to the Federal Pro Bono Project
21 for appointment of counsel for the purposes of a Settlement Conference (dkt. no. 38);

22 WHEREAS, on June 13, 2016, the Court appointed Plaintiff's undersigned counsel for the
23 limited scope of representing Plaintiff at Settlement Conference and stayed the case for four
24 weeks (dkt. no. 39);

25 WHEREAS, the Parties and their counsel met and conferred, and agreed to participate in a
26 Settlement Conference prior to the filing of dispositive motions;

27 WHEREAS, the Parties filed a Notice of Need for ADR Phone Conference (dkt. no. 41)
28 and held a phone conference with Mr. Howard Herman, Director of ADR Program, on September

1 26, 2016, and discussed the Parties' interest in participating in a Settlement Conference with a
2 Magistrate Judge prior to dispositive motions, instead of Mediation after the hearing on
3 dispositive motions;

4 WHEREAS, during that phone conference, the Parties were informed of the 60 to 90 days
5 that it takes to get a Settlement Conference on a Magistrate Judge's calendar;

6 WHEREAS, the Parties determined that the trial date and case management schedule
7 should be moved to accommodate the time needed to participate in a Settlement Conference and
8 potentially resolve this matter;

9 WHEREAS, the Parties have met and conferred to establish a mutually agreeable,
10 modified case management schedule and trial date;

11 NOW, THEREFORE, the Parties hereby stipulate and jointly move the Court for the
12 following case management schedule and ADR process:

- 13 1. This matter shall be moved out of the Court's Mediation program
- 14 2. Parties shall participate in a Settlement Conference with a Magistrate Judge
- 15 3. Fact discovery cut-off is February 13, 2017
- 16 4. Expert disclosures deadline is March 6, 2017
- 17 5. Expert rebuttal deadline is March 27, 2017
- 18 6. Expert discovery cut-off is April 17, 2017
- 19 7. Parties shall file dispositive motions by May 8, 2017
- 20 8. Parties shall file pretrial conference statements by July 3, 2017
- 21 9. Pretrial conference shall be July 21, 2017
- 22 10. Jury trial shall be set for August 14, 2017

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Dated: September 30, 2016

VINSON & ELKINS LLP

By: /s/
MORTIMER H. HARTWELL
Attorneys for Plaintiff, Daniel
Hernandez

By: /s/
VINCENT BARREDO
Attorneys for Plaintiff, Daniel
Hernandez

By: /s/
DANIEL HERNANDEZ
Plaintiff

Dated: September 30, 2016

OFFICE OF THE CITY ATTORNEY

By: /s/
RENÉE ERICKSON
Attorneys for Defendant, City and
County of San Francisco

1 **DECLARATION OF VINCENT BARREDO**

2 I, Vincent Barredo, hereby declare as follows:

3 1. I am an associate with the law firm of Vinson & Elkins LLP, attorneys of record
4 for Plaintiff Daniel Hernandez (“Plaintiff”) in this action.

5 2. I am licensed to practice law before the courts of the State of California and before
6 this Court.

7 3. I make this declaration in support of the Parties’ Stipulation Setting Case
8 Management Schedule and Selecting ADR Process.

9 4. I have personal knowledge of the matters set forth herein and, if called as a witness
10 to testify as to such matters, I could and would testify competently thereto.

11 5. The Parties previously stipulated on June 22, 2015, to the ADR process of
12 Mediation to be completed after the hearing on dispositive motions. Plaintiff’s counsel withdrew
13 on October 14, 2015, and a case management schedule was set while Plaintiff was representing
14 himself pro per.

15 6. I was appointed on June 13, 2015, as Plaintiff’s counsel, for the limited purpose of
16 representation at a Settlement Conference.

17 7. The Parties and their counsel met and conferred, and agreed to participate in a
18 Settlement Conference prior to the filing of dispositive motions.

19 8. The Parties held a phone conference with Mr. Howard Herman, Director of ADR
20 Program, on September 26, 2016, and discussed the Parties’ interest in participating in a
21 Settlement Conference with a Magistrate Judge prior to filing dispositive motions, instead of
22 Mediation after the hearing on dispositive motions. The Parties also discussed the 60 to 90 days
23 that it takes to get a Settlement Conference on a Magistrate Judge’s calendar.

24 9. The Parties determined that the trial date and case management schedule should be
25 moved to accommodate the time needed to participate in a Settlement Conference and potentially
26 resolve this matter.

27 10. The Parties have met and conferred to establish a mutually agreeable modified
28 case management schedule and trial date.

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FILER'S ATTESTATION

I, Vincent Barredo, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order Setting Case Management Schedule and Selecting ADR Process. Pursuant to L.R. 5-1(i)(3), I hereby attest that concurrence in the electronic filing of this document has been obtained from each of the other signatories.

VINSON & ELKINS LLP

By: /s/ _____
VINCENT BARREDO

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ORDER

Pursuant to the Stipulation between the Parties, it is hereby ORDERED that:

1. This matter shall be moved out of the Court’s Mediation program
2. Parties shall participate in a Settlement Conference before a Magistrate Judge
3. Fact discovery cut-off is February 13, 2017
4. Expert disclosures deadline is March 6, 2017
5. Expert rebuttal deadline is March 27, 2017
6. Expert discovery cut-off is April 17, 2017
7. Parties shall file dispositive motions by May 8, 2017
8. Parties shall file pretrial conference statements by July 3, 2017
9. Pretrial conference shall be July 21, 2017
10. Jury trial shall be set for August 14, 2017

IT IS SO ORDERED.

Dated: October 3, 2016



Hon. Jon S. Tigar