

1 David M. Poore, SBN 192541
 BROWN | POORE LLP
 2 1350 Treat Blvd., Suite 420
 Walnut Creek, California 94597
 3 Telephone: (925) 943-1166
 Facsimile: (925) 955-8600
 4 dpoore@bplegalgroup.com

5 Attorneys for Plaintiff
 THOMAS HAUSCHILD

6
 7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHSN DISTRICT OF CALIFORNIA**
 10

11
 12 THOMAS HAUSCHILD,
 13 Plaintiff,
 14
 15 v.
 16 CITY OF RICHMOND; CHRISTOPHER
 MAGNUS; and DOES 1 through 10, inclusive,
 17 Defendants.
 18

Case No. 3:15-cv-01556 WHA
STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING THE DEADLINE TO
COMPLETE ADR; REQUEST FOR
REFERRAL TO PRIVATE MEDIATION
PROGRAM IN LIEU OF EARLY
NEUTRAL EVALUATION

HON. WILLIAM ALSUP

19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 PLEASE TAKE NOTICE that the parties to this action, Plaintiff THOMAS
2 HAUSCHILD, and Defendants CITY OF RICHMOND and CHRISTOPHER MAGNUS, hereby
3 STIPULATE to extending the deadline in which to complete ADR. The current deadline to
4 complete ADR is October 15, 2015. Through this stipulation, the parties are jointly requesting
5 that this deadline be extended until December 18, 2015.

6 There exists good cause in which to extend this deadline, as (1) the schedules of the
7 participating parties did not allow for a mutually-agreeable date before October 15, 2015, (2)
8 there was some delay in scheduling the ENE, as the original Evaluator was required to recuse
9 herself due to an unforeseen conflict of interest after she had already scheduled the ENE session,
10 (3) the parties would like to complete some of the key discovery, including the deposition of the
11 Plaintiff, prior to participating in ADR believing that completion of that discovery will enhance
12 the ADR process, (4) Plaintiff has requested additional time to respond to outstanding discovery
13 because Plaintiff is in the process of responding to the defense motion for partial summary
14 judgment and (5) after further consideration, the parties are requesting a referral to the Court's
15 private mediation, as opposed to ENE and request that the current ENE be converted to
16 mediation, as the parties believe that they will have better success in achieving a reasonable
17 settlement through the Court's private mediation program, in lieu of ENE.

18 As noted immediately above, the parties are also jointly requesting a referral to the
19 Court's private mediation program, as opposed to ENE. There exists good cause in which to
20 grant this request, as the parties have been engaging in the discovery process in advance of the
21 MSJ hearing in November 2015, and the parties believe that the better opportunity to achieve a
22 reasonable resolution of this case is through the Court's private mediation program.

23 The parties are not making this request for the purpose of any undue delay, and no party
24 would suffer any prejudice if this stipulation was granted.

25 IT IS HEREBY STIPULATED between the parties that the compliance date for ADR be
26 extended until December 18, 2015.

27
28

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

IT IS HEREBY FURTHER STIPULATED between the parties that this matter be referred to the Court's private mediation program, in lieu of the current referral to ENE.

SO STIPULATED.

Dated: October 15, 2015

/s/ Geoff Spellberg
GEOFF SPELLBERG
Attorneys for Defendants

Dated: October 15, 2015

/s/ David M. Poore
DAVID M. POORE
SCOTT A. BROWN
Attorneys for Plaintiff

CIVIL LOCAL RULE 5-1(i)(3) ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories to this document.

DATED: October 15, 2015

By: /s/David M. Poore
DAVID M. POORE
Attorney for Plaintiff

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

GOOD CAUSE SHOWING, the Stipulation is GRANTED.

IT IS HEREBY ORDERED that the deadline for the completion of ADR shall be extended until December 18, 2015.

IT IS HEREBY FURTHER ORDERED that this matter is referred to the ADR unit for the assignment of a private mediator. The parties are ordered to complete private mediation, in lieu of ENE, no later than December 18, 2015.

SO ORDERED.

Dated: October 19, 2015


UNITED STATES DISTRICT COURT