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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GINO EMMERICH,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, OFFICER DOE #1, OFFICER
DOE #2, OFFICER DOE #3, OFFICER DOE
#4,

Defendants.

Case No. 15 cv-02914-WHO

**STIPULATION TO CONTINUE INITIAL
CASE MANAGEMENT
CONFERENCE; ORDER**

Trial Date: Not Set

The parties have met and conferred, and through undersigned counsel, stipulate and agree to extend the dates set in the Court's Order Setting Initial Case Management Conference and ADR Deadlines as follows:

1. Last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan be extended to November 3, 2015.
2. Last day to file ADR Certification signed by Parties and Counsel be extended to November 3, 2015.

1 3. Last day to file either a Stipulation to ADR Process or Notice of Need for ADR Phone
2 Conference be extended to November 3, 2015.

3 4. Last day to file Rule 26 (f) Report, complete initial disclosures or state objection in Rule 26(f)
4 Report and file Case Management Statement per Standing Order regarding Contents of Joint
5 Case Management Statement be extended to November 17, 2015.

6 5. Date for Initial Case Management Conference be extended to November 24, 2015.

7 In addition, Defendants agree that Plaintiff can immediately send a subpoena duces tecum
8 pursuant to Rule 45 to ESPN to obtain any recorded video or photographic footage of the July 27,
9 2014 incident so as to ensure critical evidence is not destroyed.

11 Dated: August __, 2015

12 DENNIS J. HERRERA
13 City Attorney
14 CHERYL ADAMS
15 Chief Trial Deputy
16 DIANA ROSENSTEIN
17 Deputy City Attorney

18 By: _____
19 DIANA ROSENSTEIN

20 Attorneys for Defendant
21 CITY AND COUNTY OF SAN FRANCISCO

22 Dated: August __, 2015

23 By: _____
24 MICHAEL MILLEN
25 Attorney for Plaintiff
26 GINO EMMERICH

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the Initial Case Management Conference and all other related deadlines be continued as outlined above.

It is further ordered, that Plaintiff is allowed to immediately issue a subpoena duces tecum pursuant to Rule 45 in order to obtain any recorded video or photographic footage of the July 27, 2014 incident.

Dated: August 27, 2015



HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I, AMELIA WONG, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On August 27, 2015, I served the following document(s):

NAME OF DOCUMENT

on the following persons at the locations specified:

Michael Millen
Attorney at Law
119 Calle Marguerita Ste. 100
Los Gatos, CA 95032
Telephone: (408) 871-0777
Fax: (408) 866-7480
mikemillen@al.com

PARTY BEING SERVED

in the manner indicated below:

☐ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

☐ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. **A declaration from the messenger who made the delivery** ☐ **is attached** or ☐ **will be filed separately with the court.**

☐ **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

☐ **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number Fax # to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and **a copy of the transmission report** ☐ **is attached** or ☐ **will be filed separately with the court.**

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed August 27, 2015, at San Francisco, California.

AMELIA WONG