

1 STEPHEN P. BERZON (SBN 46540)
 2 EILEEN B. GOLDSMITH (SBN 218029)
 3 PEDER J. V. THOREEN (SBN 217081)
 4 MEREDITH A. JOHNSON (SBN 291018)
 5 REBECCA C. LEE (SBN 305119)
 6 Altshuler Berzon LLP
 7 177 Post Street, Suite 300
 8 San Francisco, California 94108
 9 Telephone: (415) 421-7151
 10 Facsimile: (415) 362-8064
 11 E-mail: sberzon@altber.com
 12 egoldsmith@altber.com
 13 pthoreen@altber.com
 14 mjohnson@altber.com

9 ROBERT J. BEZEMEK (SBN 058740)
 10 DAVID CONWAY (SBN 253903)
 11 Law Offices of Robert J. Bezemek
 12 A Professional Corporation
 13 The Latham Square Building
 14 1611 Telegraph Avenue, Suite 936
 15 Oakland, California 94612
 16 Telephone: (510) 763-5690
 17 Facsimile: (510) 763-4255
 18 E-mail: rjbezemek@bezemeklaw.com
 19 dconway@bezemeklaw.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

19 AFT LOCAL 2121, *et al.*,
 20 Plaintiffs,
 21 vs.
 22 ACCREDITING COMMISSION FOR
 23 COMMUNITY AND JUNIOR COLLEGES,
 24 *et al.*,
 Defendants.

CASE NO. 3:16-cv-03411-HSG
**STIPULATION AND ORDER REGARDING
 CASE SCHEDULE AND REQUESTING TO
 ADVANCE HEARING DATE ON PLAINTIFFS'
 MOTION FOR LEAVE TO AMEND**

1 **STIPULATION REGARDING CASE SCHEDULE AND REQUESTING TO ADVANCE**
2 **HEARING DATE**

3 WHEREAS following Defendant ACCJC’s removal of this action to this Court, the parties
4 entered into two stipulations that were approved by this Court, regarding the time for Plaintiffs to
5 provide their proposed Second Amended Complaint (“SAC”) to ACCJC to determine whether it
6 would stipulate to the filing of the SAC, or else to file an opposition to ACCJC’s pending Motion
7 to Dismiss the First Amended Complaint (“FAC”) (Dkt. 8), *see* Dkt. 19, 21;

8 WHEREAS the Court issued an order on August 11, 2016 granting Plaintiffs until August
9 25, 2016 to provide the SAC to ACCJC, and, if ACCJC would not stipulate to the filing of the
10 SAC, ordering Plaintiffs to file a motion for leave to amend the complaint or file their opposition to
11 the pending Motion to Dismiss no later than September 9, 2016 (Dkt. 25);

12 WHEREAS Plaintiffs timely provided the SAC to ACCJC on August 25, and ACCJC
13 subsequently informed Plaintiffs that it would not stipulate to the filing of the SAC;

14 WHEREAS this Court had initially set a Case Management Conference for September 27,
15 2016 when the matter was assigned to this Court (Dkt. 16);

16 WHEREAS, pursuant to the Case Management Order (Dkt. 16), the parties met and
17 conferred in advance of filing a Joint CMC statement on September 1, 2016, and in that meet-and-
18 confer agreed that if the Court denied Plaintiffs’ Motion for Leave to Amend the Complaint,
19 Plaintiffs’ opposition to ACCJC’s pending Motion to Dismiss would be due seven days after the
20 Court’s order denying the Motion for Leave to Amend, and further agreed to so notify the Court in
21 the Joint CMC statement;

22 WHEREAS during the parties’ meet-and-confer, ACCJC’s counsel Kenneth Keller asked
23 that Plaintiffs set the hearing date on their Motion for Leave to Amend sufficiently early not to
24 conflict with a trial in which Mr. Keller was scheduled to participate in mid-November;

25 WHEREAS Plaintiffs filed a Motion for Leave to Amend the Complaint on September 9,
26 2016 (*see* Dkt. 30; refiled pursuant to the clerk’s directions as Dkt. 38), in accordance with the
27 Court’s August 11 scheduling order (Dkt. 25), noticed the motion for the first available hearing
28 date on the Court’s public law and motion calendar, which at that time was November 17, and
apologized to Mr. Keller for being unable to select an earlier hearing date;

1 WHEREAS both the proposed SAC and the pending FAC concern, among other things, the
2 impending decision of ACCJC in January 2017 as to the accreditation status of City College of San
3 Francisco, which may result in the immediate termination of City College's accreditation, and
4 therefore Plaintiffs believe it is important to settle the pleadings promptly, and if at all possible
5 before the holiday season;

6 WHEREAS Plaintiffs' lead attorneys have significant conflicts on the November 17
7 hearing date for the Motion for Leave to Amend, namely, Stephen Berzon will be recuperating
8 from surgery that will take place in mid-October and has been instructed by his doctor not to return
9 to work until late November, and Eileen Goldsmith is scheduled to be flying to Washington, DC,
10 that day for a November 18 meeting of the national board of directors of the AFL-CIO Lawyers
11 Coordinating Committee, of which she is a member;

12 WHEREAS Plaintiffs' counsel met and conferred with ACCJC's counsel regarding the
13 hearing date for the Motion for Leave to Amend, and ACCJC agreed not to oppose Plaintiffs'
14 request to advance the hearing date on the Motion for Leave to Amend to the Court's law and
15 motion calendar on October 27 or November 3, 2016, subject to the Court's approval;

16 WHEREAS Ms. Goldsmith is further unavailable on November 10, 2016 because she will
17 be arguing motions for final approval of class action settlement and for attorneys' fees in another
18 matter in Los Angeles Superior Court on that date;

19 WHEREAS on September 15, 2016, the Court vacated the September 27 CMC and did not
20 set a new CMC (Dkt. 43), and as a result the parties have not filed a Joint CMC statement;

21 **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

22 1. Subject to Court approval, the hearing on Plaintiffs' Motion for Leave to Amend the
23 complaint shall be advanced to October 27 or November 3, 2016 at 2:00 p.m., or as soon thereafter
24 as is available on the Court's calendar.

25 2. If the Court were to deny Plaintiffs' Motion for Leave to Amend, Plaintiffs shall file
26 their opposition to the Motion to Dismiss the FAC no later than seven days after the Court's order.
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Dated: September 29, 2016

STEPHEN P. BERZON
EILEEN B. GOLDSMITH
PEDER J. V. THOREEN
MEREDITH A. JOHNSON
REBECCA C. LEE
Altshuler Berzon LLP

ROBERT J. BEZEMEK
DAVID CONWAY
Law Offices of Robert J. Bezemek

By: s/ Eileen B. Goldsmith
Eileen B. Goldsmith

Attorneys for Plaintiffs

Dated: September 29, 2016

KENNETH E. KELLER
THOMAS H. SLOAN, JR.
JENNIFER R. McGLONE
ETHAN I. JACOBS
Keller, Sloan, Roman & Holland LLP

LAURENCE W. KESSENICK
SCOTT C. KESSENICK
Kessenick, Gamma & Free LLP


By: /s/ Thomas H. Sloan, Jr.
Thomas H. Sloan, Jr.

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ORDER

Pursuant to Stipulation, IT IS SO ORDERED. The hearing on Plaintiffs' Motion for Leave to Amend is set for November 3, 2016 at 2:00 p.m.

Dated: September 30, 2016


United States District Judge
Haywood S. Gilliam, Jr.