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14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA

17 JANET JIMENEZ, individually and as
18 successor-in-interest to Decedent JAIME
19 JIMENEZ,

19 Plaintiff,

20 v.

21 CITY OF NAPA, a municipal corporation;
22 JOHN CORRIGAN, individually and in his
23 capacity as a Sergeant for the Napa Police
24 Department; THOMAS KEENER, individually
25 and in his capacity as an officer for the Napa
26 Police Department; ADAM DAVIS,
27 individually and in his capacity as an officer for
28 the Napa Police Department; CURTIS
MADRIGAL, individually and in his capacity
as an officer for the Napa Police Department
and DOES 1-50, inclusive,

Defendants.

Case No. 17-cv-01352-EMC

**STIPULATION AND [PROPOSED] ORDER TO
CONTINUE ENE COMPLIANCE DEADLINE**

Hon. Edward M. Chen

1 The parties, plaintiff JANET JIMENEZ, and defendants CITY OF NAPA and THOMAS
2 KEENER, respectfully request that the ENE compliance deadline in this action be continued to
3 November 30, 2017. The matter was referred to ENE on June 30, 2017. The current ENE compliance
4 deadline is September 7, 2017. The matter has been referred to Evaluator Richard James Collier for ENE.

5 Good cause exists for this continuance for the following reasons:

- 6 1. This case is still in the pleadings stage. Plaintiff filed her First Amended Complaint on
7 July 21, 2017, and defendants have not yet filed its responsive pleadings. The current last
8 day for defendants to file responsive pleadings is August 4, 2017 and the parties are filing
9 a stipulation to extend the deadline to August 18, 2017 for filing responsive pleadings.
10 The parties are in agreement that the parties would benefit from resolution of the
11 pleadings prior to the ENE;
- 12 2. The parties believe it would be helpful to conduct written discovery and take key
13 depositions prior to the ENE;
- 14 3. There are scheduling issues between the Evaluator, counsels for both parties, and the
15 parties. Evaluator Collier proposed a date in September 2017 for ENE which worked for
16 counsels for both parties. However, defendant THOMAS KEENER is unavailable due to a
17 pre-planned out of town vacation. Furthermore, Evaluator Collier is unavailable from
18 September 29 – October 31, 2017. Counsels for defendants are in trial in Alameda County
19 Superior Court and will be unavailable in October 2017.

20 The parties are cooperating and working on scheduling the ENE for a mutually convenient date
21 for all parties and Evaluator Collier. The parties have an upcoming ENE phone conference with
22 Evaluator Collier on August 8, 2017 to further discuss the matter. Based on these reasons, the parties
23 respectfully request that the Court continue the deadline to complete the ENE hearing to November 30,
24 2017.

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DATED: August 1, 2017

Respectfully submitted,
LAW OFFICES OF JOHN L. BURRIS

By Ben Nisenbaum
John L. Burris
Ben Nisenbaum
James Cook
Attorneys for the Plaintiff
JANET JIMENEZ

Dated: August 1, 2017

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

By: /s/ Joanne Tran
Gregory M. Fox
Joanne Tran
Attorney for Defendants
CITY OF NAPA, JOHN CORRIGAN, THOMAS
KEENER, ADAM DAVIS and CURTIS
MADRIGAL

ATTORNEY ATTESTATION

I, Joanne Tran, am the ECF user whose identification and password are being used to file the foregoing documents. Pursuant to Civil Local Rule 5.1(i), I hereby attest that concurrence in the filing of these documents has been obtained from each of its Signatories.

Dated: August 1, 2017

/s/ Joanne Tran
Joanne Tran

ORDER

Having considered the parties' stipulation, the deadline to complete the ENE hearing is November 30, 2017.

IT IS SO ORDERED.

Dated: 8/8/2017

THE HONORABLE
United States District Judge

