

1 ARLENE B. MAYERSON (SBN 79310)  
 2 *amayerson@dredf.org*  
 3 LARISA CUMMINGS (SBN 131076)  
 4 *lcummings@dredf.org*  
 5 **DISABILITY RIGHTS EDUCATION**  
 6 **AND DEFENSE FUND, INC.**  
 7 Ed Roberts Campus  
 8 3075 Adeline Street, Suite 210  
 9 Berkeley, CA 94703  
 10 Tel: +1.510.644.2555  
 11 Fax: +1.510.841.8645

12 [ADDITIONAL COUNSEL LISTED  
 13 ON NEXT PAGE]

14 *Attorneys for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN FRANCISCO DIVISION**

18 STUDENT A, by and through PARENT A, her  
 19 guardian; STUDENT B, by and through  
 20 PARENT B, his guardian; STUDENT C, by and  
 21 through PARENT C, his guardian; and  
 22 STUDENT D, by and through PARENT D, her  
 23 guardian, each one individually and on behalf of  
 24 all other similarly situated children,

25 Plaintiffs,

26 v.

27 THE BERKELEY UNIFIED SCHOOL  
 28 DISTRICT and THE BOARD OF EDUCATION  
 OF THE BERKELEY UNIFIED SCHOOL  
 DISTRICT,

Defendants.

Case No. 3:17-cv-02510-JST

**STIPULATION AND [PROPOSED]  
 SCHEDULING ORDER REGARDING  
 CLASS CERTIFICATION DEADLINES**

Current Hearing:

Dates: December 6, 2018  
 Time: 2:00 p.m.  
 Courtroom: 9, 19th Floor  
 Judge: Hon. Jon S. Tigar

Proposed Hearing:

Date: April 11, 2019  
 Time: 2:00 p.m.  
 Courtroom: 9, 19th Floor  
 Judge: Hon. Jon S. Tigar

Action Filed: May 2, 2017

1 DEBORAH JACOBSON (SBN 278104)  
2 *djacobson@jacobsoneducationlaw.com*  
3 RAMAAH SADASIVAM (SBN 267156)  
4 *rsadasivam@jacobsoneducationlaw.com*  
5 **JACOBSON EDUCATION LAW, INC.**  
6 1919 Addison Street, Suite 105  
7 Berkeley, CA 94704  
8 Tel: +1.510.647.8125  
9 Fax: +1.510.280.9340

10 SHANE BRUN (SBN 179079)  
11 *sbrun@goodwinlaw.com*  
12 BRENDAN E. RADKE (SBN 275284)  
13 *bradke@goodwinlaw.com*  
14 ANJALI MOORTHY (SBN 299963)  
15 *amoorthy@goodwinlaw.com*  
16 **GOODWIN PROCTER LLP**  
17 Three Embarcadero Center  
18 San Francisco, CA 94111  
19 Tel: +1.415.733.6000  
20 Fax: +1.415.677.9041

21 *Attorneys for Plaintiffs*

22 MARK POSARD (SBN: 208790)  
23 *mposard@grsm.com*  
24 BEATRIZ BERUMEN (SBN: 271249)  
25 *bberumen@grsm.com*  
26 GORDON & REES SCULLY MANSUKHANI LLP  
27 655 University Avenue, Suite 200  
28 Sacramento, CA 95825  
Telephone: (916) 565-2900  
Facsimile: (916) 920-4402

*Attorneys for Defendants*

1 Plaintiffs Student A, B, C, and D (collectively, “Plaintiffs”) and Defendants The Berkeley  
2 Unified School District and The Board of Education of Berkeley Unified School District  
3 (collectively, “Defendants”), by and through their respective counsel, HEREBY STIPULATE and  
4 AGREE as follows:

5 WHEREAS, on November 9, 2017, the Court referred this litigation to a settlement  
6 conference before a magistrate judge (Dkt. 82), and the case was assigned to the Hon. Laurel  
7 Beeler for settlement;

8 WHEREAS, on March 27, 2018, the parties engaged in a settlement conference  
9 with Judge Beeler, but did not resolve their dispute at that time, agreeing to attend a second  
10 settlement conference and to an informal stay of discovery pending the second conference;

11 WHEREAS, on April 13, 2018, the parties and the Court participated in a  
12 telephone case management conference (Dkt. 97).

13 WHEREAS, on April 16, 2018, the parties’ second settlement conference with  
14 Judge Beeler was set for June 6, 2018;

15 WHEREAS, on April 17, 2018, the Court issued a scheduling order (Dkt. 98),  
16 establishing December 6, 2018, at 2:00 p.m. as the hearing on Plaintiffs’ class certification motion,  
17 with the opening brief being due October 5, 2018, opposition brief being due October 26, 2018,  
18 and reply brief being due November 9, 2018;

19 WHEREAS, on May 22, 2018, Judge Beeler rescheduled the June 6 settlement  
20 conference due to an unanticipated conflict (Dkt. 100), setting the conference for June 29, 2018  
21 (Dkt. 101);

22 WHEREAS, on June 22, 2018, Judge Beeler rescheduled the June 29, 2018  
23 settlement conference to October 9, 2018 (Dkt. 102);

24 WHEREAS, the parties have conferred and have agreed that, in light of the  
25 unanticipated continuance of the settlement conference to October 9, 2018, which is four days  
26 after Plaintiffs’ opening brief on their class certification motion is due, the current class  
27 certification deadlines should be continued for a period of six months to allow settlement  
28 discussions to continue;

1 NOW, THEREFORE, the parties stipulate and propose the following scheduling order  
2 pertaining to Plaintiffs' Motion for Class Certification:

3 1. The time for Plaintiffs to file their opening brief in support of the motion shall be  
4 February 8, 2019.

5 2. The time for Defendants to file their brief in opposition to the motion shall be  
6 March 1, 2019.

7 3. The time for Plaintiffs to file their reply brief in support of the motion shall be  
8 March 15, 2019.

9 4. The date of the hearing shall be set for April 11, 2019.

10  
11 **SO STIPULATED**

12  
13 DATED: September 19, 2018

Respectfully submitted,

14 By: /s/ Larisa Cummings  
15 ARLENE B. MAYERSON (SBN 79310)  
16 *amayerson@dredf.org*  
17 LARISA CUMMINGS (SBN 131076)  
18 *lcummings@dredf.org*  
19 **DISABILITY RIGHTS EDUCATION**  
20 **AND DEFENSE FUND, INC.**  
21 Ed Roberts Campus  
22 3075 Adeline Street, Suite 210  
23 Berkeley, CA 94703  
24 Tel: +1.510.644.2555  
25 Fax: +1.510.841.8645

26 By: /s/ Deborah Jacobson  
27 DEBORAH JACOBSON (SBN 278104)  
28 *djacobson@jacobsoneducationlaw.com*  
RAMAAH SADASIVAM (SBN 267156)  
*rsadasivam@jacobsoneducationlaw.com*  
**JACOBSON EDUCATION LAW, INC.**  
1919 Addison Street, Suite 105  
Berkeley, CA 94704  
Tel: +1.510.647.8125  
Fax: +1.510.280.9340

By: /s/ Brendan Radke

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SHANE BRUN (SBN 179079)  
*sbrun@goodwinlaw.com*  
BRENDAN E. RADKE (SBN 275284)  
*bradke@goodwinlaw.com*  
ANJALI MOORTHY (SBN 299963)  
*amoorthy@goodwinlaw.com*  
**GOODWIN PROCTER LLP**  
Three Embarcadero Center  
San Francisco, CA 94111  
Tel: +1.415.733.6000  
Fax: +1.415.677.9041

*Attorneys for Plaintiffs*

By: /s/ Beatriz Berumen

MARK POSARD (SBN: 208790)  
*mposard@grsm.com*  
BEATRIZ BERUMEN (SBN: 271249)  
*bberumen@grsm.com*  
GORDON & REES SCULLY MANSUKHANI LLP  
655 University Avenue, Suite 200  
Sacramento, CA 95825  
Telephone: (916) 565-2900  
Facsimile: (916) 920-4402

*Attorneys for Defendants*

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**[PROPOSED] SCHEDULING ORDER**


The Court hereby extends the following case deadlines:

<b>Event</b>	<b>Current Deadline</b>	<b>New Deadline</b>
Class certification motion due	October 5, 2018	February 8, 2019
Class certification opposition due	October 26, 2018	March 1, 2019
Class certificate reply due	November 9, 2018	March 15, 2019
Hearing on class certification motion	December 6, 2018	April 11, 2019

Counsel may not modify these dates without leave of court. The parties shall comply with the Court’s standing orders, which are available at [cand.uscourts.gov/jstorders](http://cand.uscourts.gov/jstorders).

**IT IS SO ORDERED.**

Dated: September 20, 2018

  
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JON S. TIGAR  
United States District Judge

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**CIVIL L.R. 5-1 ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other Signatories.

/s/ Brendan Radke