

**HOWARD ROME MARTIN & RIDLEY LLP**  
1900 O'FARRELL STREET, SUITE 280  
SAN MATEO, CA 94403  
TELEPHONE (650) 365-7715

1 **TODD H. MASTER [SBN. 185881]**  
[tmaster@hrmlaw.com](mailto:tmaster@hrmlaw.com)  
2 **HOWARD ROME MARTIN & RIDLEY LLP**  
1900 O'Farrell Street, Suite 280  
3 San Mateo, CA 94403  
Telephone: (650) 365-7715  
4 Facsimile: (650) 364-5297  
5 Attorneys for Defendants  
CITY OF MENLO PARK and  
6 DAVE BERTINI

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8  
9 UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO

12  
13 MICHAEL ZELENY, an individual  
14  
15 Plaintiff,

16 vs.

17 EDMUND G. BROWN, JR., an individual, in  
his official capacity, et al.  
18  
19 Defendants.

Case No. 17-cv-07357-RS

**STIPULATION AND ~~[PROPOSED]~~  
ORDER RE PARTIES' REQUEST FOR  
EARLY REFERRAL TO MAGISTRATE  
JUDGE FOR EARLY SETTLEMENT  
CONFERENCE**

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21 On March 28, 2018, counsel for the parties herein participated in an ADR Telephone  
22 Conference with Howard Herman. *See* Document 34. In said teleconference, counsel for the  
23 parties herein advised that they were agreeable to a referral to either Chief Magistrate Judge Joseph  
24 C. Spero or Magistrate Nathanael Cousins for an Early Settlement Conference.<sup>1</sup> While the parties

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26 <sup>1</sup> Defendants Edmund G. Brown Jr., Governor of California, and Xavier Becerra, Attorney General of California, have filed a motion to dismiss on the grounds that the Court lacks jurisdiction over the claim Mr. Zeleny asserts against

1 are currently working together informally, by way of this stipulation, they respectfully request an  
2 early referral to one of the aforementioned Magistrate Judges, so that they may get a settlement  
3 conference on calendar as soon as practical. The parties make this request because the initial case  
4 management conference, which was originally scheduled for April 12, 2018, has been moved to  
5 May 10, 2018. *See* Document 33. It is the parties' hope that with an early referral, the case as it  
6 pertains to the Menlo Park Defendants may be rendered moot and/or the parties will at least have a  
7 settlement conference on calendar by the time of the May 10, 2018 Case Management Conference.

8 DATE: April 2, 2018 HOWARD ROME MARTIN & RIDLEY LLP  
9  
10 By: /s/ Todd H. Master  
11 Todd H. Master  
12 Attorneys for Defendants  
13 CITY OF MENLO PARK and  
14 DAVE BERTINI

15 DATE: April 2, 2018 AFFELD GRIVAKES LLP  
16  
17 By: /s/ Todd H. Master  
18 David W. Affeld  
19 Damion Robinson  
20 Attorneys for Plaintiff  
21 MICHAEL ZELENY

22 DATE: April 2, 2018  
23  
24 By: /s/ Noreen P. Skelly  
25 Noreen P. Skelly  
26 Attorneys for Defendants  
EDMUND G. BROWN JR. and  
XAVIER BECERRA

them. *See* Document 20 However, as discussed during the ADR telephone conference, Defendants Brown and Becerra support Mr. Zeleny and Defendants City of Menlo Park and Chief Bertini's efforts to resolve this matter through a request for an early settlement conference.

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~~PROPOSED~~ ORDER

Pursuant to the Stipulation set forth above and good cause appearing, this case is referred to [Chief Magistrate Judge Joseph C. Spero or Magistrate Judge Nathanael Cousins] for an early settlement conference.

Dated: April 11, 2018



Hon. Richard Seeborg  
United States District Court Judge