

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 JOANNE HOEPER, State Bar #114961  
 Chief Trial Deputy  
 3 ROBERT BONTA  
 Deputy City Attorney  
 4 Fox Plaza  
 1390 Market Street, 6<sup>th</sup> Floor  
 5 San Francisco, California 94102-5408  
 Telephone: (415) 554-3892  
 6 Facsimile: (415) 554-3837  
 E-Mail: robert.bonta@sfgov.org  
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8 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO,  
 9 HEATHER FONG AND JESSE SERNA

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MARCO MAESTRINI,  
 14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN  
 FRANCISCO, a municipal corporation;  
 17 HEATHER FONG, in her capacity as  
 Chief of Police for the CITY AND  
 18 COUNTY OF SAN FRANCISCO; JESSE  
 SERNA, individually, and in his capacity  
 19 as a police officer for the CITY AND  
 COUNTY OF SAN FRANCISCO; and,  
 20 San Francisco police officers DOES 1-25,  
 21 inclusive,  
 22 Defendants.

Case No. C 07-2941 PJH

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE MEDIATION  
 DEADLINE, NON-EXPERT  
 DISCOVERY CUTOFF, AND  
 DISPOSITIVE MOTIONS HEARING  
 DEADLINE AS MODIFIED BY THE COURT**

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1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
2 modification of the Court's August 28, 2008 Modified Order to Continue Trial Date and Related  
3 Pretrial Deadlines as follows:

4 Deadline for Court-Ordered Mediation: Wednesday, March 31, 2009

5 Non-Expert Discovery Cutoff: Friday, February 20, 2009

6 Dispositive Motions to Be Heard By: Wednesday, April 8, 2009

7 All other dates, including the trial date, will remain the same.

8 The parties make this request based on the following circumstances:

9 1. Deputy City Attorney Robert A. Bonta will be taking an approximately one-month  
10 parental leave from approximately December 18, 2008 to January 20, 2009.

11 2. Additional discovery is still required to prepare this case for trial. For example, both  
12 parties need to conduct depositions, including plaintiff's taking of the deposition of defendant Serna  
13 and six other police officers and Sheriff's Deputies. In addition, the parties need to resolve the issue  
14 of discovery of Officer Serna's personnel file records, which they are close to doing.

15 3. The parties request continuations of the specified pretrial deadlines as set forth above.

16 4. The Court in its September 28, 2007 Case Management Order ordered the parties to  
17 mediation within 120 days. Pursuant to stipulation of the parties, with the concurrence of Court-  
18 appointed mediator Christopher Johns, the parties requested time for discovery that would be  
19 necessary in order for mediation to be beneficial. On March 14, 2008, the Court extended the  
20 deadline for mediation to May 27, 2008. Pursuant to stipulation of the parties, and based, *inter alia*,  
21 on the fact that new defense counsel had just substituted in and needed to get up to speed on the case  
22 as well as the fact that additional discovery still needed to be conducted, on August 28, 2008, the  
23 Court extended the pretrial deadlines and continued the trial date. Other than the aforementioned,  
24 there have been no other modifications to the Case Management order. No other dates will be  
25 affected by the requested changes.

1 **SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE**  
2 **MEDIATION DEADLINE, NON-EXPERT DISCOVERY CUTOFF, AND DISPOSITIVE**  
3 **MOTIONS HEARING DEADLINE**

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5 STIPULATED AND AGREED:

6 Dated: December 2, 2008

7 DENNIS J. HERRERA  
City Attorney  
8 JOANNE HOEPER  
Chief Trial Deputy  
9 ROBERT BONTA  
SEAN F. CONNOLLY  
10 Deputy City Attorneys

11 By: \_\_\_\_\_ /s/  
12 ROBERT BONTA  
Attorneys for Defendants  
13 CITY AND COUNTY OF SAN FRANCISCO,  
14 HEATHER FONG AND JESSE SERNA

15  
16 Dated: December 2, 2008

17 LAW OFFICE OF JOHN L. BURRIS  
JOHN L. BURRIS  
18 BENJAMIN NISENBAUM

19 By: \_\_\_\_\_ /s/  
20 BENJAMIN NISENBAUM  
Attorneys for Plaintiff  
21 MARCO MAESTRINI  
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**ORDER**

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the pre-trial deadlines be continued as follows:

Deadline for Court-Ordered Mediation: Wednesday, March 31, 2009

Non-Expert Discovery Cutoff: Friday, February 20, 2009

Dispositive Motions to Be Heard By: Wednesday, ~~April 8, 2009~~ March 25, 2009

DATED: December 4, 2009

