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27 Attorneys for Defendants
 28 GARY DOVE and DEBORAH DOVE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CONCETTA JORGENSEN,
 Plaintiff,

CASE NO. 07-3278 CW
Civil Rights

v.
 SAFEWAY, INC.; GARY
 DOVE; DEBORAH DOVE; and
 DOES 1-50, Inclusive,
 Defendants.

**JOINT STIPULATION AND ORDER
 GRANTING ADMINISTRATIVE
 RELIEF FROM GENERAL ORDER 56
 AND REQUESTING CASE
 MANAGEMENT CONFERENCE**

_____ /

1 Plaintiff CONCETTA JORGENSEN and defendants SAFEWAY, INC.;
2 GARY DOVE; and DEBORAH DOVE hereby jointly stipulate and request
3 through their attorneys of record that the Court grant Administrative Relief from
4 General Order 56, and further request that the Court set a Case Management
5 Conference so that the parties may begin formal discovery to resolve plaintiff's
6 claims. This request is based on the following good cause:

7 1. The instant case is an action arising out of the alleged inaccessibility of the
8 Safeway store located at 2 Camino Sobrante, Orinda, California. Plaintiff, then
9 66 years old, filed her action June 22, 2007, seeking renovations of defendants'
10 facilities to make them accessible for use by physically disabled persons, as well
11 as for damages, attorney fees, litigation expenses and costs. Damages claimed
12 included personal injury damages for a fractured collarbone.

13 2. The parties have cooperated in an attempt to resolve the case through
14 mediation under General Order 56. Mediator Daniel Bowling conducted
15 pre-mediation telephone conferences on February 22 and April 14, 2008. He
16 presided over an all-day mediation attended by all parties on January 8, 2009. He
17 scheduled a defendants-only mediation for February 19, 2009, and a second
18 all-parties mediation for March 12, 2009. On February 12, 2009, he rescheduled
19 the defendants-only mediation for March 9, 2009. After presiding over an
20 all-day, defendants-only mediation on March 9, 2009, he cancelled the all-parties
21 mediation scheduled for March 12, 2009. Subsequently he has conducted
22 numerous separate telephone conferences with counsel for defendants and
23 plaintiff.

24 3. All parties agree that further settlement discussions would be fruitless until
25 such time as formal discovery is allowed, and that the parties should commence
26 with formal discovery as soon as is permitted by the Court. The parties believe
27 granting administrative relief will give them the best chance at resolving plaintiff's
28 claims.

1 4. The parties have agreed to continue voluntary mediation with Mr. Bowling
2 as soon as it becomes appropriate, on a parallel track with discovery. The parties
3 request that the Court expressly order that Mr. Bowling retain jurisdiction to
4 preside over any further mediation sessions.

5 5. The parties therefore jointly request that the Court grant Administrative
6 Relief from General Order 56 and request a Case Management Conference at the
7 Court's earliest opportunity.

8 6. Granting this Stipulation and [Proposed] Order, rather than requiring that a
9 Motion for Administrative Relief be filed, will save judicial resources and prevent
10 unnecessary increases in attorney fees, litigation expenses and costs.

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12 Dated: _____, 2009

LAW OFFICES OF PAUL L. REIN
GEARINGER LAW GROUP

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By CELIA McGUINNESS
Attorneys for Plaintiff
CONCETTA JORGENSEN

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18 Dated: _____, 2009

DILLINGHAM & MURPHY, LLP

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By JOHN N. DAHLBERG
Attorneys for Defendant
SAFEWAY, INC.

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24 Dated: _____, 2009

WILSON, ELSER, MOSKOWITZ, et al.

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By MICHAEL W. BOLECHOWSKI
Attorneys for Defendants
GARY DOVE and DEBORAH DOVE

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ORDER

Good Cause having been shown, pursuant to the parties' stipulation, the Court hereby GRANTS administrative relief from General Order 56 and ORDERS a Case Management Conferences set for **May 12, 2009, at 2:00 p.m.**, with the Joint Case Management Conference Statement to be filed on or before **May 5, 2009**. The Court further ORDERS that Daniel Bowling retains jurisdiction to preside over any further mediation sessions, **as long as he is willing**.

IT IS SO ORDERED.



Dated: 4/29, 2009

HON. CLAUDIA WILKEN
United States District Judge