

1 Guy B. Wallace, State Bar No. 176151  
 2 Mark T. Johnson, State Bar No. 76904  
 3 Christian Schreiber, State Bar No. 245597  
 4 SCHNEIDER WALLACE COTTRELL  
 5 BRAYTON KONECKY LLP  
 6 180 Montgomery Street, Suite 2000  
 7 San Francisco, CA 94104  
 8 Telephone: (415) 421-7100  
 9 Facsimile: (415) 421-7105

10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 IVANA KIROLA, MICHAEL KWOK, and  
 14 ELIZABETH ELFTMAN, on behalf of  
 15 themselves and all others similarly situated;

16 Plaintiffs,

17 vs.

18 THE CITY AND COUNTY OF SAN  
 19 FRANCISCO (“the CITY”); GAVIN  
 20 NEWSOM, in his official capacity as Mayor;  
 21 AARON PESKIN, in his official capacity as  
 22 President of the Board of Supervisors; JAKE  
 23 MCGOLDRICK, MICHELA ALIOTO-PIER,  
 24 ED JEW, CHRIS DALY, SEAN ELSBERND,  
 25 BEVAN DUFTY, TOM AMMIANO, SOPHIE  
 26 MAXWELL, ROSS MIRKARIMI, AND  
 27 GERARDO SANDOVAL, in their official  
 28 capacities as members of the Board of  
 Supervisors;

Defendants.

Case No 4:07-cv-03685 SBA

**STIPULATION AND AMENDED  
 ORDER RE CONTINUING TRIAL  
 DATE AND MODIFYING PRETRIAL  
 SCHEDULE**

**STIPULATION**

Whereas, Plaintiffs’ lead trial counsel, Guy B. Wallace, has been unavailable to work on this matter during the first four months of 2009 due to family medical emergencies, and has been out of the office on leave during that time;

Whereas, Mr. Wallace’s circumstances are described in his accompanying Declaration submitted in support of this proposed Stipulation and Order; and,

Whereas the unavailability of Guy Wallace has resulted in a substantial impairment of Plaintiffs’ ability to conduct discovery and engage in pretrial preparation;

IT IS HEREBY STIPULATED by and between the parties, through their counsel of record, that the current pretrial and trial schedule be continued as set forth below. The schedule has been continued once previously herein, and the parties do not anticipate seeking further adjustment. The parties propose the following modification to the pretrial and trial schedule in this matter:

	<u>Current Date</u>	<u>Proposed Date</u>
Non-expert discovery cut off	October 23, 2009	February 26, 2010
Expert designation	August 7, 2009	December 11, 2009
Expert Discovery cut off	October 23, 2009	March 12, 2010
Last Day for motions to be heard, including dispositive motions	December 15, 2009 @ 1:00 p.m.	April 6, 2010 @ 1:00 p.m.
Pretrial Conference	February 9, 2010 @ 1:00 p.m.	May 11, 2010 @ 1:00 p.m.
Joint Pretrial Statement	January 19, 2010	April 20, 2010
Trial Brief	January 19, 2010	April 20, 2010
Motions in Limine & Objections to Evidence	January 26, 2010	April 27, 2010
Response to Motions In Limine & Objections to Evidence	February 2, 2010	May 4, 2010
Trial	February 22, 2010 @ 8:30 a.m.	May 21, 2010 @ 8:30 a.m.

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A settlement conference with Magistrate Judge James has been set for July 28, 2009 at 10 a.m. The parties have previously attended two mediation sessions with Judge Chiantelli (Ret.) and anticipate continuing efforts to resolve this matter through settlement.

Respectfully submitted,

Dated: June 10, 2009

SCHNEIDER WALLACE  
COTTRELL BRAYTON KONECKY

\_\_\_\_\_  
GUY B. WALLACE  
Attorneys for Plaintiffs

Dated: June 10, 2009

DENNIS J. HERRERA  
City Attorney

By: \_\_\_\_\_  
JAMES M. EMERY  
Deputy City Attorney

Attorneys for Defendants City and County of San Francisco, *et al.*

I, Guy B. Wallace, am the ECF user whose ID and password are being used to file this Stipulation to Continue Trial Date and Pretrial Deadlines. In compliance with General Order 45, I hereby attest that counsel for Defendants, James M. Emery, has concurred in this filing.

Dated: June 9, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
Guy B. Wallace

1 ORDER

2 Having considered the Stipulation of the parties for an Order continuing the trial date and  
3 modifying the pretrial schedule in this case, and the Court finding that good cause exists therefor;

4 1. The current trial date in this case of February 22, 2010, is vacated.

5 2. Trial before the **COURT** will begin on May 24, 2010 at 8:30 a.m., or as soon thereafter as  
6 the Court may designate, for an estimated 15 days.

7 3. All discovery, except for expert discovery, shall be completed and all depositions taken on or  
8 before February 26, 2010.

9 4. Plaintiffs and Defendants shall designate any experts by December 11, 2009. Expert  
10 discovery shall be completed by March 12, 2010.

11 5. All motions, including dispositive motions, shall be *heard* on or before April 6, 2010.

12 6. All parties are ordered to participate in a mandatory settlement conference during the period  
13 of April 7 through April 16, 2010 before Magistrate Judge James. The parties shall also attend a  
14 settlement conference with Magistrate Judge James, as previously scheduled, on July 28, 2009.

15 7. All counsel who will try the case shall appear for a pretrial conference in Courtroom 3 on  
16 May 11, 2010 at 1:00 p.m.

17 8. The parties shall file a Joint Pretrial Statement and each party shall serve and file a trial brief  
18 no later than *twenty-one (21) calendar days* prior to the pretrial conference, April 20, 2010.

19 9. Motions in Limine and Objections to Evidence are due no later than *fourteen (14) calendar*  
20 *days* prior to the pretrial conference, April 27, 2010. Responses to Motions in Limine or objections  
21 to evidence shall be filed and served no less than *seven (7) calendar days* prior to the pretrial  
22 conference, May 4, 2010.

23 10. Except for the amended dates and deadlines set forth above, all terms of the Court's Order  
24 for Pretrial Preparation dated December 18, 2007 remain in effect.

25 IT IS SO ORDERED.

26 DATED: June 11, 2009

27   
28 HONORABLE SAUNDRA B. ARMSTRONG  
U.S. DISTRICT COURT JUDGE