

1 James M. Wood (SBN 58679)  
2 Email: jmwood@reedsmith.com  
3 REED SMITH LLP  
4 101 Second Street, Suite 1800  
5 San Francisco, CA 94105

6 Telephone: +1 415 543 8700  
7 Facsimile: +1 415 391 8269

8 Attorneys for Plaintiffs  
9 Robert Carl Patrick Keane and Chieko Strange

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 ROBERT CARL PATRICK KEANE,  
13 individually; and CHIEKO STRANGE,  
14 individually,

15 Plaintiffs,

16 vs.

17 SETH M. MCMULLEN, PAUL ACCORNERO  
18 and JOHN SILVA,

19 Defendants.

No.: C 07 4894 SBA

**JOINT STIPULATION REQUESTING  
LIFT OF STAY AND STATUS  
CONFERENCE**

Before: Hon. Sandra B. Armstrong

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

1 WHEREAS, Plaintiffs Robert Carl Patrick Keane and Chieko Strange (“Plaintiffs”) filed this  
2 civil rights action on September 20, 2007 and filed the operative complaint in this action, the First  
3 Amended Complaint, on February 19, 2008;

4 WHEREAS, Defendants Seth McMullen and John Silva filed motions for summary judgment  
5 on June 24, 2008 and Defendant Paul Accornero joined in those motions on June 27, 2008;

6 WHEREAS, Plaintiffs opposed those motions on August 5, 2008;

7 WHEREAS, Defendant Paul Accornero filed a motion for summary judgment on December  
8 22, 2008;

9 WHEREAS, Defendants Seth McMullen and Paul Accornero each filed an additional motion  
10 for summary judgment on January 6, 2009;

11 WHEREAS, Plaintiffs opposed each of the Defendants’ motions for summary judgment on  
12 January 20, 2009;

13 WHEREAS, on February 3, 2009 Defendants Seth McMullen and John Silva filed a motion  
14 to continue the trial date, on the basis of Seth McMullen’s deployment with the Army National  
15 Guard, and Defendant Paul Accornero joined in that motion on February 6, 2009;

16 WHEREAS, Plaintiffs opposed that motion on February 4, 2009;

17 WHEREAS, the Court, on the basis of Defendant Seth McMullen’s deployment, issued an  
18 order on February 11, 2009 finding as moot each of the motions for summary judgment pending  
19 before the Court, vacated the trial date, and issued a stay pending Defendant Seth McMullen’s return  
20 from active military service;

21 WHEREAS, that order required Defendant Seth McMullen “notify the Court immediately  
22 upon the termination of his activity military status, as to what date will be the 90th day after the  
23 termination of his active military status”;

24 WHEREAS, on May 21, 2011, Defendant Seth McMullen notified the Court that his “active  
25 military duty is terminated . . .” and that the “90th day after the termination of Mr. McMullen’s  
26 active duty is July 20, 2011”;

1 NOW THEREFORE, IT IS HEREBY STIPULATED by and among Plaintiffs Robert Carl  
2 Patrick Keane and Chieko Strange and Defendants Seth McMullen, John Silva, and Paul Accornero,  
3 to jointly request that the Court lift the stay on this case and set a status conference for as soon as the  
4 Court's calendar will permit.

5 **IT IS SO STIPULATED:**

6  
7 DATED: August 11, 2011.

REED SMITH LLP

8  
9 By /s/ James M. Wood  
10 James M. Wood  
11 Attorneys for Plaintiffs Robert Carl Patrick Keane  
12 and Chieko Strange

13 DATED: August 11, 2011

MELINDA HAAG  
United States Attorney

14  
15 By /s/ Abraham A. Simmons  
16 Abraham A. Simmons  
17 Assistant United States Attorney  
18 Attorneys for Defendants Seth M. McMullen and  
19 John Silva

20 DATED: August 11, 2011

MEYERS NAVE  
A Professional Law Corporation

21 By /s/ Tricia Hynes  
22 Tricia Hynes  
23 Attorneys for Defendant Paul Accornero  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

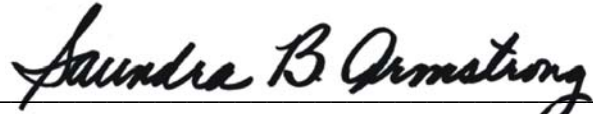
IT IS HEREBY ORDERED THAT:

1. The Clerk shall reopen the file.

2. The parties shall appear for a telephonic Case Management Conference on **November 2, 2011 at 3:00 p.m.** Prior to the date scheduled for the conference, the parties shall meet and confer and prepare a joint Case Management Conference Statement. Plaintiff is responsible for filing joint statement no less than seven (7) days prior to the conference date. The joint statement shall comply with the Standing Order for All Judges of the Northern District of California and the Standing Orders of this Court. Plaintiff is responsible for setting up the conference call. On the specified date and time, Plaintiff shall call (510) 637-3559 with all parties on the line.

**IT IS SO ORDERED:**

**DATED: 8/17/11**



The Honorable Sandra B. Armstrong  
United States District Court Judge