

1 Michael C. Cohen, Esq., Bar No. 65487
 2 LAW OFFICES OF MICHAEL C. COHEN
 3 1814 Franklin Street, Suite 900
 4 Oakland, CA 94612
 5 (510) 832-6436

6 Attorney for Plaintiff

7 JOSEPH P. RUSSONIELLO (SBN 44332)
 8 United States Attorney
 9 JOANN M. SWANSON (SBN 88143)
 10 Chief, Civil Division
 11 ABRAHAM A. SIMMONS (SBN 146400)
 12 Assistant United States Attorney

13 450 Golden Gate Avenue, 9th Floor
 14 San Francisco, California 94102-3495
 15 Telephone: (415) 436-7264
 16 Facsimile: (415) 436-6748
 17 Email: abraham.simmons@usdoj.gov

18 Attorneys for Defendant

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 OAKLAND DIVISION

22 FRED ROGERS,)
 23 a/k/a FRED ROGERS, Jr.)
 24)
 25 Plaintiff,)
 26)
 27 v.)
 28)
 29 JOHN E. POTTER, Postmaster General of)
 30 the United States,)
 31)
 32 Defendant.)

No. C 08-2897 SBA

**STIPULATION AND ORDER
 CONTINUING CERTAIN PRETRIAL
 DEADLINES AND
 TRIAL DATE**

33 The parties hereby stipulate and agree and request the Court to adopt the following
 34 changes in the trial schedule:

35 **Whereas**, the parties recognize that full and complete briefing and hearing on
 36 defendant’s pending motion for summary judgment would aid the parties in reaching a
 37 settlement; and

38 **Whereas**, if the matter is not resolved short of trial, full and complete briefing on
 39 defendant’s pending motion for summary judgment would aid the Court in narrowing the issues

1 for trial; and

2 **Whereas**, plaintiff has requested additional time to respond to defendant’s motion for
3 summary judgment and defendant has no objection to plaintiff receiving such additional time;
4 and

5 **Whereas**, the parties participated in a productive mediation on June 23, 2009; and
6 Whereas the parties were unable to settle the matter at the June 23, 2009, but are
7 scheduled to appear for a settlement of conference with Magistrate Judge Laporte on
8 April 23, 2010; and

9 **Whereas**, this Court’s pretrial order dated February 18, 2009, would require preparation
10 of pretrial documents and other trial preparation at a time when preparation and focus on
11 resolving this case likely would produce a better result; and

12 **Whereas**, the parties have not previously sought to make any adjustments to the pretrial
13 schedule set by the Court on February 18, 2009;

14 **It is hereby stipulated** and respectfully requested that the Court amend its February 18,
15 2009, trial scheduling order so as to adopt the following new deadlines and trial date:

| | ORIGINAL DATE AS SET IN ORDER DATED FEBRUARY 18, 2009 | NEW DATE REQUESTED BY PARTIES | |
|--|--|--|----------------------|
| 16 17 18 19 20 21 22 23 24 25 26 27 28 | Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment | Would be due March 9, 2010 if motion heard on March 30, 2010 in accordance with the Court’s order. (The court’s website currently precludes counsel from scheduling motions before April 13, 2010.) | March 30, 2010 |
| | Defendant’s reply in support of motion for summary judgment due | Would be due March 16, 2010 in accordance with the Court’s order. | April 6, 2010 |
| | Hearing on Defendant’s Motion for Summary Judgment | On or before March 30, 2010 (the court’s website currently precludes counsel from scheduling motions before April 13, 2010). | April 20, 2010, 1 pm |

| | | | |
|---|---|--------------------------------------|--|
| 1 | Mandatory Settlement Conference | On or before Friday, April 23, 2010. | No change– Conference currently scheduled for April 23, 2010 |
| 2 | | | |
| 3 | Joint Pretrial Statement and related papers due | April 27, 2010 | August 24, 2010 |
| 4 | | | |
| 5 | Objections to evidence due | May 4, 2010 | August 31, 2010 |
| 6 | | | |
| 7 | Pretrial | May 18, 2010 | September 14, 2010, 1 pm |
| 8 | Trial | May 24, 2010 | September 20, 2010, 8:30 am |

Respectfully submitted,

Dated: March 5, 2010

_____/s/_____
Michael C. Cohen
Attorney for Plaintiff

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: March 5, 2010

_____/s/_____
Abraham A. Simmons
Assistant United States Attorney
Attorneys for Defendant

ORDER

PURSUANT TO THE PARTIES' STIPULATION, the following dates are extended as follows:

| | ORIGINAL DATE AS SET IN ORDER DATED FEBRUARY 18, 2009 | NEW DATE |
|---|--|-----------------|
| Plaintiff's Opposition to Defendant's Motion for Summary Judgment | Would be due March 9, 2010 if motion heard on March 30, 2010 in accordance with the Court's order. | March 30, 2010 |

| | | | |
|----|------------------|--|-----------------------------|
| 1 | Defendant's | Would be due March 16, 2010 in | April 6, 2010 |
| 2 | reply in support | accordance with the Court's order. | |
| 3 | of motion for | | |
| 4 | summary | | |
| 5 | judgment due | | |
| 6 | Hearing on | On or before March 30, 2010 (the court's | April 20, 2010, 1 pm |
| 7 | Defendant's | website currently precludes counsel from | |
| 8 | Motion for | scheduling motions before April 13, 2010). | |
| 9 | Summary | | |
| 10 | Judgment | | |
| 11 | Mandatory | On or before Friday, April 23, 2010. | No change- Conference |
| 12 | Settlement | | currently scheduled for |
| 13 | Conference | | April 23, 2010 |
| 14 | Joint Pretrial | April 27, 2010 | May 4, 2010 |
| 15 | Statement and | | |
| 16 | related papers | | |
| 17 | due | | |
| 18 | Motions in | | Due: May 11, 2010 |
| 19 | Limne | | Responses on or before: May |
| 20 | | | 18,2010 |
| 21 | | | Reply on or before: May 25, |
| 22 | | | 2010 |
| 23 | Objections to | May 4, 2010 | May 11, 2010 |
| 24 | evidence due | | |
| 25 | Pretrial | May 18, 2010 | June 1, 2010, 1 pm |
| 26 | Trial | May 24, 2010 | June 7, 2010, 8:30 am |

19 IT IS SO ORDERED.

20 3/15/10

21 
United States District Judge