

Attorneys for Plaintiff
KYLE L. ADAMS

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1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
2 modification of Magistrate Judge Joseph Spero's Notice of Settlement Conference Order to
3 continue the settlement conference currently scheduled for April 7, 2009, to a later date
4 sometime within the month of August 2009 or some other date convenient to the court and the
5 respective parties.

6 The parties make this request based upon the following circumstances:

7 1. The parties are currently scheduled to participate in a Settlement Conference before
8 Magistrate Judge Spero on April 7, 2009.

9 2. The parties arranged to have Plaintiff's deposition taken on February 25, 2009, and
10 February 26, 2009, at California State Prison, San Quentin, where plaintiff was in custody.

11 3. However, due to unforeseen circumstances, Defendants' counsel was unable to take
12 Plaintiff's deposition on the noticed date. Specifically, the day before the noticed deposition
13 date, Plaintiff's counsel went to visit Plaintiff at San Quentin and was advised that Plaintiff's
14 housing classification had been recently changed. Plaintiff had been placed in Administrative
15 Segregation and was no longer in General Population. Plaintiff's counsel was further advised
16 that the classification change was due to threats being made against Plaintiff's life and the
17 ensuing Department of Correction investigation into the same.

18 4. Plaintiff's counsel was further advised that proceeding with the noticed deposition may
19 place Plaintiff's life in jeopardy.

20 5. Therefore, counsel for both parties agreed to continue Plaintiff's deposition to a later date
21 wherein taking Plaintiff's deposition would not further compromise his security.

22 6. Plaintiff was recently transferred to Soledad State Prison and is awaiting transfer to
23 California State Prison Mens' Colony (CMC) in San Louis Obispo. Unfortunately, the
24 Department of Correction did not provide Plaintiff's counsel with a specific transfer date.

25 7. The parties intend to go forward with Plaintiff's deposition once he is transferred to
CMC.

8. In order for the settlement conference to be beneficial, defendants need to complete
Plaintiff's deposition.

1 9. In light of the foregoing, the undersigned parties, through counsel, STIPULATE and
2 AGREE and jointly request the Settlement Conference currently scheduled for April 7, 2009 be
3 continued to a later date in the month of August 2009 that is convenient for both the court and
4 the parties.

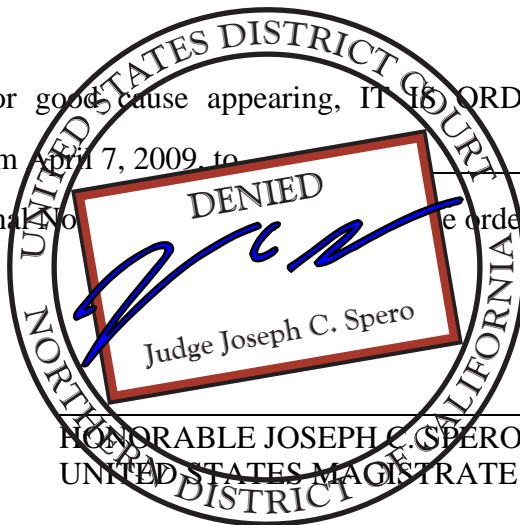
5 Date: March 20, 2009

/s/ Adante D. Pointer
Adante D. Pointer, Esq.
Attorney for Plaintiff

10 **[PROPOSED] ORDER**

11 Pursuant to stipulation, and for good cause appearing, It is ORDERED that the
12 Settlement Conference be continued from April 7, 2009, to _____, 2009, at 9:30
13 a.m. All provisions of the Court's original No. _____ order shall remain in
14 effect.

15 DATED: March 23, 2009



HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE