

1 **JOHN L. BURRIS (State Bar No. 69888)**  
 2 **ADANTÉ D. POINTER (State Bar No. 236229)**  
 3 **LAW OFFICES OF JOHN L. BURRIS**  
 4 Airport Corporate Center  
 5 7677 Oakport Street, Suite 1120  
 6 Oakland, California 94621  
 Telephone: (510) 839-5200  
 Facsimile: (510) 839-3882  
John.Burris@johnburrislaw.com  
Adante.Pointer@johnburrislaw.com

7 Attorneys for Plaintiff  
 8 **KYLE L. ADAMS**

9  
 10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 13

14	KYLE L. ADAMS	)	Case No.: 08-cv-3696 PJH
15	Plaintiffs,	)	
16	vs.	)	<u>STIPULATION AND [PROPOSED]</u>
17		)	<u>ORDER TO CONTINUE SETTLEMENT</u>
18	CITY AND COUNTY OF SAN	)	<u>CONFERENCE</u>
19	FRANCISCO, a municipal corporation,	)	
20	SHERIFF MICHAEL HENNESSEY in his	)	
21	official capacity as Sheriff for the CITY and	)	
22	COUNTY of SAN FRANCISCO; SCOTT	)	
23	NEU individually and in his official capacity	)	
24	as a San Francisco Sheriff's Department	)	
25	Deputy for the CITY AND COUNTY OF	)	
	SAN FRANCISCO; DOES 1-50, inclusive;	)	
	individually and in their official capacities for	)	
	the CITY AND COUNTY OF SAN	)	
	FRANCISCO	)	
	Defendants.	)	

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
2 modification of Judge Phyllis J. Hamilton's November 7, 2008, Case Management Order  
3 providing for a settlement conference to occur within 120 days. A settlement conference is  
4 currently scheduled for April 7, 2009, however the parties respectfully request that it be  
5 continued to a later date sometime within the month of August 2009 or some other later date  
6 convenient to the court and the respective parties.

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

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

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

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

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

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

23 6. Plaintiff was recently transferred to California State Prison Men's Colony (CMC) in San  
24 Louis Obispo.

25 7. The parties intend to go forward with Plaintiff's deposition within the next 60 days.

8. It is the parties' shared belief that taking plaintiff's deposition will enhance the  
productivity of the contemplated settlement conference.

1 9. In light of the foregoing, the undersigned parties, through counsel, STIPULATE and  
2 AGREE and respectfully request the Court's Case Management Order be modified so as to  
3 provide for a Settlement Conference to be held during the month of August 2009, or on a later  
4 date that is convenient for both the court and the parties.

5  
6 **[PROPOSED] ORDER**

7  
8 Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the Court's  
9 Case Management Conference Order in this matter be modified to provide for a settlement  
10 conference to take place during the month of August 2009. All other provisions of the Court's  
11 original Case Management Order shall remain in effect.

12  
13 DATED: 3/26/09 \_\_\_\_\_

