

1 LAW OFFICE OF THOMAS K. BOURKE
Thomas K. Bourke (SBN 56333)
2 Talltom2@aol.com
Rizwan R. Ramji (SBN 210576)
3 Rramji@aol.com
601 West Fifth Street, Eighth Floor
4 Los Angeles, CA 90071-2094
Telephone: (213) 623-1092
5 Facsimile: (213) 623-5325

6 Attorney for Plaintiff Frederick Schiff.

7
8 **UNITED STATES DISTRICT COURT**
9
10 **NORTHERN DISTRICT OF CALIFORNIA-**

11 FREDERICK SCHIFF,

12 Plaintiff,

13 vs.

14 TERESA BARRETT, *et al.*,

15 Defendant.

CASE NO. C08-4627 PJH ("Schiff 2")

CASE NO. C10-01051 PJH ("Schiff 3")

**STIPULATION TO CONTINUE
MEDIATION; [~~PROPOSED~~] ORDER
THEREON**

CASE NO. C08-4627 PJH ("Schiff 2")

Complaint filed: October 6, 2008

CASE NO. C10-01051 PJH ("Schiff 3")

Complaint filed: March 11, 2010

Second Amended Complaint Filed:

August 13, 2010

Honorable: Phyllis J. Hamilton

Place: Courtroom 3, 3rd Floor

Federal Building, 1301 Clay Street, Oakland

23
24 ///

25 ///

26 ///

27
28

1 IT IS STIPULATED BY THE PARTIES AS FOLLOWS:

2 Plaintiff Frederick Schiff and Defendants City and County of San Francisco, the individually
3 named Police Commissioners, Joe Marshall, Thomas Mazzucco, Petra DeJesus, David Onek, Vincent
4 Pan, and James Hammer in their individual capacities, and San Francisco Police Captain Teresa Barrett
5 in her individual capacity, by and through their counsel, hereby jointly stipulate to continue the
6 mediation date as follows:

7 WHEREAS, the Court set the last day to conduct Alternative Dispute Resolution for
8 November 11, 2010;

9 WHEREAS, Defendants' motions to strike and to dismiss the Second Amended Complaint in
10 *Schiff III* (Case No. C10-01051 PJH) is set for December 8, 2010;

11 Whereas the parties believe mediation will be more successful after the hearing on Defendants'
12 pending motions to strike and to dismiss;

13 Whereas the parties and the mediator have been unable to schedule a mutually convenient date
14 for mediation prior to the last day to conduct ADR; and

15 Whereas the parties and the mediator are available for mediation on December 15, 2010,

16 WHEREFORE, based upon the foregoing, the Parties hereby stipulate and respectfully request
17 the Court's approval as follows:

- 18 1. The mediation date, currently set for December 1, 2010 at 10:00 a.m., shall be continued to
19 December 15, 2010 at 10:00 a.m., and that December 15, 2010 will be the last day to conduct
20 mediation and that the parties, or a representative on their behalf with settlement authority,
21 will attend mediation that day.

22 Dated: November 10, 2010

23 DENNIS J. HERRERA
24 City Attorney
25 ELIZABETH S. SALVESON
26 Chief Labor Attorney
27 LAUREN M. MONSON
28 Deputy City Attorney(s)

By: /s/ Lauren M. Monson
LAUREN M. MONSON
Attorneys for Defendant(s) CITY AND
COUNTY OF SAN FRANCISCO, *et al.*

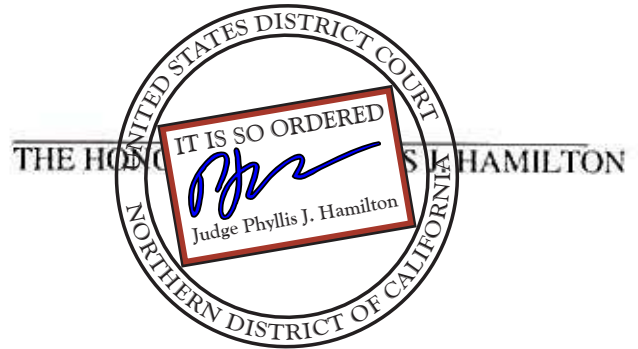
Law Office of Thomas K. Bourke

By: /s/ Thomas K. Bourke
THOMAS K. BOURKE
Attorney for Plaintiff Frederick Schiff

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

1 PURSUANT TO STIPULATION, AND AGREEMENT OF THE COURT, IT IS SO ORDERED:

2
3 Dated: 11/12/10



PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 601 West Fifth Street, Eighth Floor, Los Angeles, California 90071-2092.

On, November 10, 2010, I served a copy of:

Stipulation to Continue Mediation; [Proposed] Order Thereon,

[X] (BY MAIL) C.C.P. section 1013(a) by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at 601 W. Fifth Street, Los Angeles, CA 90071.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service made pursuant to C.C.P. 1013(a) should be presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] (BY PERSONAL DELIVERY) C.C.P. section 1011 by placing a true copy thereof enclosed in a sealed envelope addressed as follows. I caused such envelope to be delivered by hand to the offices of the addressee(s).

[] (BY FACSIMILE) C.C.P. section 1013(e) by sending a true copy from The Law Office of Thomas K. Bourke's facsimile transmission telephone number 213.623.5325 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

[X] (BY ELECTRONIC SERVICE) C.C.P. section 1010.6 by electronically mailing a true and correct copy by electronic mail to the email address(s) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6.

[] (BY OVERNIGHT DELIVERY) C.C.P. section 1013(d) by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by FedEx at 601 West Fifth Street, Los Angeles, CA 90071.

Lauren M. Monson, Esq.
Deputy City Attorney
Fox Plaza
1390 Market Street, Fifth Floor
San Francisco, CA 94102-5408
Lauren.monson@sfgov.org

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 10, 2010 in Los Angeles, California.


Leslie Ghazarian