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7 Attorneys for Defendants  
CITY OF CRESCENT CITY and  
8 DOUGLAS PLACK

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

13 MICHELLE BARBER,

14 Plaintiff,

15 v.

16 CITY OF CRESCENT CITY, a California  
17 Municipality; DOUGLAS PLACK; and  
18 ERIC CAPON; and DOES 1-100 and Each  
of Them, Inclusive,

19 Defendants.

Case No. 08-CV-04883-CW

**STIPULATION AND ORDER**

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21 BY AND THROUGH THEIR COUNSEL PLAINTIFF AND DEFENDANTS HEREBY  
22 STIPULATE AS FOLLOWS:

23 Whereas, Plaintiff’s counsel, Abraham Goldman, is deaf and depends on bilateral cochlear  
24 implants for his hearing;

25 Whereas, starting in May, 2010, Mr. Goldman’s right implant became infected;

26 Whereas, after four courses of antibiotic treatment, surgery was eventually required in  
27 August, 2010, as the implant had migrated out of place;

28 Whereas, the post operative treatment is continuing, and Mr. Goldman’s implant will not

1 be activated until some time in September, 2010;

2 Whereas, this unexpected illness, surgery and recovery has caused delays in completing  
3 fact and expert discovery, pretrial preparation and preparation for the mandatory settlement  
4 conference with the Magistrate Ryu;

5 As a result of the above, and renewed efforts at private mediation to take place on or  
6 about September 25, 2010, the continuance stipulated to by the parties is respectfully submitted:

- 7 1. The September 10, 2010 expert disclosure deadline is continued to October 12, 2010;  
8 2. The September 24, 2010 discovery cut-off is continued to November 30, 2010;  
9 3. The September 27, 2010 mandatory settlement conference is continued to December  
10 20, 2010;  
11 4. The October 4, 2010 expert discovery cut-off is continued to January 4, 2011;  
12 5. The October 12, 2010 pre-trial conference is continued to January 10, 2011; and  
13 6. The October 25, 2010 trial date is continued to January 24, 2011.

14 Dated: September 7, 2010

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16 By:           /s/ Morin I. Jacob            
17 Morin I. Jacob  
18 Attorneys for Defendants

19 Dated: September 7, 2010

LAW OFFICES OF ABRAHAM GOLDMAN

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21 By:           /s/ Abraham Goldman            
22 Abraham Goldman  
23 Attorneys for Plaintiff

24 **ORDER**

25 It is so ordered, except that pretrial conferences are held on Tuesdays, and January 24,  
26 2011 is not available for trial. Currently available dates are January 10 and February 14. Counsel  
27 may submit another stipulation. A case management conference will be held on January 11,  
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2011 at 2 p.m. The current pretrial and trial dates are vacated.

Date: 9/13/2010

  
The Honorable Claudia Wilken

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