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11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 RICHARD SKAFF
 15 Plaintiff,

CASE NO. C 08-05407 SBA
Civil Rights

16 v.

Case No. C08-05407 SBA

17 CITY OF CORTE MADERA and
 18 DOES 1 through 20, Inclusive,
 19 Defendants.

**STIPULATION AND
 ORDER FOR ENLARGEMENT OF
 TIME TO CONDUCT MEDIATION
 AND DECLARATION IN SUPPORT
 THEREOF**

20 _____/

(Local Rule 6-2)

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1 **STIPULATION**

2 Plaintiff RICHARD SKAFF, by and through his attorney, and Defendant
3 TOWN OF CORTE MADERA, by and through its attorneys, stipulate to an
4 extension of time to November 30, 2009 to conduct the Alternative Dispute
5 Resolution mediation in this case and, for the reasons stated in the declaration of
6 Sidney J. Cohen set forth below, request that the Court order an extension to the
7 November 30, 2009 date.

8 Date: 9/14/09

SIDNEY J. COHEN
PROFESSIONAL CORPORATION

9 /s/ Sidney J. Cohen

10 _____
11 SIDNEY J. COHEN
Attorney for Plaintiff Richard Skaff

12 Date: 9/14/09

WALTER & PISTOLE

13 /s/ John A. Abaci

14 _____
15 JOHN A. ABACI
Attorneys for Defendant
16 Town of Corte Madera

17 **DECLARATION OF SIDNEY J. COHEN**

18 I, Sidney J. Cohen, declare as follows:

19 1. I am counsel for Plaintiff Richard Skaff in this action. I am an
20 attorney in good standing and licensed to practice in the courts of California, in
21 the United States District Courts for the Northern, Eastern, and Central Districts,
22 in the United States Court of Appeals for the Ninth Circuit, and in the United
23 States Supreme Court. If called upon to testify, I would testify as follows:

24 2. By Court Order dated July 29, 2009 (see Docket entry 30), the Court
25 extended the time for the parties to conduct the Alternative Dispute Resolution
26 mediation in this case to September 30, 2009.

27 3. Following the Court's July 29, 2009 Order, the parties, the parties'
28 counsel, the parties' representatives, the parties' expert consultants, and the

1 mediator agreed to a mediation date of September 9, 2009, and on July 31, 2009
2 the mediator, Daniel Bowling, reset the mediation to September 9, 2009 [see
3 07/31/2009 Docket entry].

4 4. On August 25, 2009 Plaintiff Richard Skaff advised me that a
5 family medical emergency would require him to travel to Boise, Idaho and that
6 the medical prognosis of the family member in Boise, Ralph Bradshaw, who was
7 in the hospital in intensive care with a severe heart condition, would prevent Mr.
8 Skaff from attending the scheduled September 9, 2009 mediation.

9 6. During the period August 25 through September 3 I, Defendant's
10 attorney John Abaci, and mediator Daniel Bowling communicated on numerous
11 occasions with each other by telephone and e mail regarding available dates for
12 the mediation, and I and Mr. Abaci communicated with our clients, consultants
13 and representatives, who need to attend the mediation, for available dates. Based
14 on those communications, we learned 1) that there were no dates available in
15 either September or October of 2009 that the mediator, all parties, all counsel, all
16 representatives, and all consultants could attend a mediation and 2) that
17 November 2, 2009 is the first date that the mediator, all parties, all counsel, all
18 representatives, and all consultants could attend a mediation.

19 7. On September 3, 2009 mediator Daniel Bowling reset the mediation to
20 November 2, 2009 (see 09/03/2009 docket entry)..

21 8. The parties, their attorneys, and Mr. Bowling expect that they will be
22 able to complete the mediation process by November 30, 2009.

23 9. As set forth in paragraph 2, supra and at Docket entry 30, one
24 modification has previously been made to the deadlines imposed by statute, rule
25 of court, or by the Court in this Action. In addition, by stipulated agreement
26 Defendant supplemented initial disclosures within 2 weeks of receipt of
27 Plaintiff's initial disclosures.

1 10. With the exception of the September 30, 2009 mediation deadline
2 that is the subject of this request for an extension, the extension of the
3 September 30 2009 deadline to November 30, 2009 to complete the mediation
4 process will not have an effect on any time lines or deadlines established by the
5 Court in this Action.

6 11. For the reasons stated above, the parties are by this stipulation
7 request requesting that the Court extend the mediation date deadline from
8 September 30, 2009 to November 30, 2009.

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

11 Executed on September 14, 2009 in the City of Oakland, California.

12 /s/Sidney J. Cohen

13 _____

14 Sidney J. Cohen

ORDER ENLARGING TIME TO CONDUCT MEDIATION

15 1. Upon the stipulated request made by the parties in this Action, the
16 Court finds good cause to continue the mediation deadline previously established
17 by this Court.

18 2. The Court orders that the date by which the parties shall conduct
19 mediation with a court-appointed mediator be extended from September 30, 2009
20 to November 30, 2009.

21 Date: 9/15/09

22 *Saundra B. Armstrong*
23 _____
24 SAUNDRA BROWN ARMSTRONG
25 UNITED STATES DISTRICT JUDGE