

1 SIDNEY J. COHEN, Esq., State Bar No. 39023
 2 SIDNEY J. COHEN PROFESSIONAL CORPORATION
 3 427 Grand Avenue
 Oakland, CA 94610
 Telephone: (510) 893-6682

4 Attorneys for Plaintiff
 Richard Skaff

5 JEFFREY A. WALTER CBN 63626
 6 JOHN A. ABACI CBN 166493
 7 WALTER & PISTOLE
 670 West Napa Street, Suite "F"
 Sonoma, CA 95476
 8 Telephone: (707) 996-9690
 Fax: (707) 996-9603

9 Attorneys for Defendant
 10 Town Of Corte Madera

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
 17 v.

Case No. C08-05407 SBA

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

**STIPULATION AND
 ORDER FOR ENLARGEMENT OF
 TIME TO MARCH 31, 2010 TO
 CONDUCT MEDIATION, AND
 DECLARATION IN SUPPORT
 THEREOF**

20 _____/

(Local Rule 6-2)

21
 22
 23
 24
 25
 26
 27
 28

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

STIPULATION

Plaintiff RICHARD SKAFF, by and through his attorney, and Defendant TOWN OF CORTE MADERA, by and through its attorneys, stipulate to an extension of time to March 31, 2010 to conduct the Alternative Dispute Resolution mediation in this case and, for the reasons stated in the declaration of Sidney J. Cohen set forth below, request that the Court order an extension to the March 31, 2010 date.

Date: 1/29/10

SIDNEY J. COHEN
PROFESSIONAL CORPORATION

/s/ Sidney J. Cohen

SIDNEY J. COHEN
Attorney for Plaintiff Richard Skaff

Date: 1/28/10

WALTER & PISTOLE

/s/ John A. Abaci

JOHN A. ABACI
Attorneys for Defendant
Town of Corte Madera

DECLARATION OF SIDNEY J. COHEN

I, Sidney J. Cohen, declare as follows:

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

2. By Court Order dated December 28, 2009 (see Docket entry 35), the Court extended the time for the parties to complete the Alternative Dispute Resolution mediation in this case to January 31, 2010.

3. On January 14, 2010 the parties, the parties' counsel, the parties'

1 representatives, the parties' expert consultants, and mediator Daniel Bowling
2 attended their second all day mediation in the case (see Docket entry 36).

3 4. Although the parties made significant progress at the mediation, they
4 were not able to reach agreement on the injunctive relief aspect of the case and,
5 with agreement of all in attendance, mediator Daniel Bowling scheduled a third
6 mediation session for January 25, 2010 (see Docket entry 36).

7 5. Early on Monday morning, January 25, 2010 I picked up a voice mail
8 message from Mr. Bowling advising that he was ill and would not be able to
9 conduct the mediation. I immediately advised my client and expert consultant
10 that the mediation would not take place, and also communicated Mr. Bowling's
11 message to John A. Abaci, counsel for defendant. The mediation did not take
12 place, and I understand that Mr. Bowling, as of the January 28, 2010 date of this
13 declaration, has remained ill and unable to return to work.

14 6. On January 27, 2010 Mr. Bowling sent an e mail from his home to me
15 and Mr. Abaci providing possible dates to which to reschedule the canceled
16 mediation session and asking that we convey to your Honor that we have made
17 very good progress in the two mediation sessions that have taken place thus far,
18 that this is an unusually complicated case, that he was ill on January 25, 2010,
19 and that he concurs that additional time is needed to conduct the mediation.

20 7. I and Mr. Abaci are in the process of contacting our clients to obtain
21 a date for the third mediation on which the parties, consultants, representatives,
22 we, and Mr. Bowling all are available. Thus far, there are no such available dates
23 in January or February, and we are still working on confirming a March date that
24 is available. At this time, I expect that we will be able to schedule such a third
25 mediation session to take place by no later than March 31, 2010.

26 8. Thus far, three modifications have been made to the deadlines
27 imposed by statute, rule of court, or by the Court in this Action, all of which
28

1 involve enlargements of time to complete the mediation process. In addition, by
2 stipulated agreement Defendant supplemented initial disclosures within 2 weeks
3 of receipt of Plaintiff's initial disclosures.

4 9 With the exception of the January 31, 2010 mediation deadline that is
5 the subject of this request for an extension, the extension of the January 31, 2010
6 deadline to March 31, 2010 to conduct a third mediation in the case does not
7 effect any time lines or deadlines established by the Court in this Action.

8 11. For the reasons stated above, the parties are by this stipulation
9 requesting that the Court extend the mediation date deadline from January 31,
10 2010 to March 31, 2010.

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

13 Executed on January 28, 2010 in the City of Oakland, California.

14 /s/ Sidney J. Cohen

15 _____
16 Sidney J. Cohen

17 **ORDER ENLARGING TIME TO CONDUCT MEDIATION**

18 1. Upon the stipulated request made by the parties in this Action, the
19 Court finds good cause to continue the mediation deadline previously established
20 by this Court.

21 2. The Court orders that the date by which the parties shall conduct
22 mediation with a court-appointed mediator be extended from January 31, 2010 to
23 March 31, 2010.

24 Date: 2/1/10

25 
26 SAUNDRA BROWN ARMSTRONG
27 UNITED STATES DISTRICT JUDGE
28