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Attorneys for Defendant  
CITY OF SANTA ROSA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANCIE MOELLER,  
  
Plaintiff,

CASE NO. CV 09-1100 LB  
Civil Rights

v.  
  
CITY OF SANTA ROSA, and DOES 1  
through 50, Inclusive,  
  
Defendants.

**STATUS REPORT AND STIPULATION  
AND [Proposed] ORDER FOR  
REFERRAL TO MAGISTRATE JUDGE  
FOR A JUDICIAL SETTLEMENT  
CONFERENCE**

**Case Management Conference:**  
Date: [NOT SET]  
Time:  
Place:  
Judge: Hon. Laurel Beeler

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The parties continue to cooperate in implementing General Order 56. At the time of this statement, the parties have exchanged detailed reports and conducted the required meeting between parties, consultants and counsel. Tentative agreements appear to have been reached already on many issues. A follow-up Joint Site Inspection on the more contentious issues is

1 scheduled for June 22. This will attempt to resolve as many remediation claims as possible.

2 In order to maintain the momentum toward settlement and to assist the parties in their  
3 negotiations, the parties request referral of this matter to a judicial settlement conference before a  
4 magistrate judge.

5 There is substantial good cause for a referral. This claims involves large municipal  
6 facilities, substantial requested expenditures and severe budgetary constraints. The parties believe  
7 the divisive nature of these issues, the nature of the damages, as well as the participation of a  
8 government entity, will require the firm assistance of a magistrate judge, who will be more  
9 effective at dealing with the factual and legal issues, as well as devising creative solutions. The  
10 parties defer to the court's discretion on the selection of a magistrate judge. The parties suggest  
11 the settlement conference be held the week of August 23, 2010, or as soon thereafter as the judge  
12 is available.

14 Dated: May 19, 2010

THIMESCH LAW OFFICES  
TIMOTHY S. THIMESCH

/s/ Authorized Signed  
Attorneys for Plaintiff  
FRANCIE MOELLER

18 Dated: May 19, 2010

OFFICE OF CITY ATTORNEY

/S/ Signature Authorized  
JOHN J. FRITSCH  
Assistant City Attorney  
Attorneys for Defendant  
CITY OF SANTA ROSA

**ORDER**

24 SO ORDERED.

26 Dated: May 24, 2010

  
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HON. LAUREL BEELER  
MAGISTRATE JUDGE FOR U.S. DISTRICT COURT