

1 **Mark Epstein, Esq.** SBN: 159801  
 2 **Julia M. Adams, Esq.** SBN: 230795  
 3 **The Epstein Group**  
 4 **Attorneys & Counselors at Law**  
 5 2358 Market Street, Third Floor  
 6 San Francisco, California 94114  
 7 Telephone (415) 863-5718  
 8 Facsimile (415) 863-8719  
 9 e-mail: [mepstein@epsteingroup.com](mailto:mepstein@epsteingroup.com)

6 Attorneys for Plaintiff  
 7 CARLOS RADCLIFFE

8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	CARLOS RADCLIFFE,	)	CASE NO. C 09-1547 CW
		)	
12	Plaintiff,	)	<b>AMENDED STIPULATION TO</b>
		)	<b>CONTINUE THE CASE</b>
13	vs.	)	<b>MANAGEMENT CONFERENCE;</b>
		)	<b>DEFENDANTS' MOTION FOR</b>
14	ROBERT L. AYERS, JR., Warden, San	)	<b>SUMMARY JUDGMENT; AND</b>
	Quentin State Prison, San Quentin, CA in his	)	<b>ORDER THEREON</b>
15	official capacity; Correctional Officer	)	
	MARINO, individually; AND DOE 1 through	)	
16	DOE 20, inclusive,	)	
		)	
17	Defendants.	)	
		)	

18  
 19 The parties, by and through their counsel of record, hereby submit the following  
 20 Stipulation and [Proposed] Order to Continue the Case Management Conference and  
 21 Defendants' Motion for Summary Judgment.

22 WHEREAS on October 1, 2009, defendants AYERS and MARINO, filed a Motion for  
 23 Summary Judgment that is calendared for November 5, 2009, at 2:00 p.m.; and

24 WHEREAS counsel for plaintiff has been in trial in San Francisco Superior Court before  
 25 Judge James A. Robertson II, since July 31, 2009; and

26 WHEREAS the parties have stipulated to continue the Motion for Summary Judgment to  
 27 December 3, 2009, at 2:00 p.m.; and

28 WHEREAS a Case Management Conference is scheduled to occur on November 17,



1 2009, two weeks prior to the date the parties have stipulated to set the hearing for the Motion for  
2 Summary Judgment; and

3 WHEREAS, as currently set due to the pending Motion for Summary Judgment, the Case  
4 Management Conference will not be as productive as intended and would be a waste of the  
5 Court's time and resources, which the parties wish to avoid.

6 ACCORDINGLY, the parties do hereby stipulate and request that the Motion for  
7 Summary Judgment be continued to December 3, 2009 at 2:00 p.m. and that all related and  
8 corresponding dates and deadlines be continued accordingly.

9 The parties further stipulate and request that the Case Management Conference, and all  
10 related and corresponding dates and deadlines, be vacated pending the outcome of defendants'  
11 Motion for Summary Judgment.

12 The parties further stipulate and request the Case Management Conference be reset to a  
13 date no earlier than thirty (30) days following the entry of the Court's Order on defendants'  
14 Motion for Summary Judgment, as is convenient for the Court.

15 **IT IS SO STIPULATED.**

16 DATED: October 20, 2009

THE EPSTEIN GROUP  
Attorneys & Counselors at Law

17  
18 By: /s/ Julia M. Adams  
19 MARK EPSTEIN  
20 JULIA M. ADAMS  
Attorneys for Plaintiff CARLOS  
21 RADCLIFFE

22 DATED: October 20, 2009

ATTORNEY GENERAL OF  
CALIFORNIA

23  
24 By: /s/ Julianne Mossler  
25 EDMUND G. BROWN, JR.  
26 JULIANNE MOSSLER  
Attorneys for Defendants AYERS and  
MARINO

27 **ORDER**

28 By the Order of this Court and stipulation of the parties, defendants' Motion for  
Summary Judgment will be decided on the papers. The hearing set for November 5, 2009 at

1 2:00 p.m. has been vacated. Plaintiffs opposition to the motion will be due November 12, 2009,  
2 and any reply will be due November 19, 2009.

3 It is further ordered that the Case Management Conference scheduled for November 17,  
4 2009 at 2:00 p.m. is vacated pending the outcome of defendants' Motion for Summary Judgment  
5 and shall be reset for a date not less than thirty (30) days following the entry of the Court's Order  
6 on defendants' Motion for Summary Judgment. All related and corresponding dates and  
7 deadlines are also hereby vacated.

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**IT IS SO ORDERED.**

DATED: October 21, 2009



By: \_\_\_\_\_  
HON. CLAUDIA WILKEN  
United States District Court

