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6 Attorneys for Plaintiff  
 7 CHERYL GREEN

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

11 CHERYL GREEN,  
 12 Plaintiff,

Case No. C09-03682 SBA  
 Civil Rights

13 v.

14 EASTMONT OAKLAND  
 15 ASSOCIATES, LLC;  
 16 SCANLANKEMPERBARD  
 17 COMPANIES; BANK OF  
 AMERICA, NA; and DOES 1-40  
 18 inclusive,  
 19 Defendants.

**STIPULATION AND ORDER TO  
 CONTINUE CASE  
 MANAGEMENT CONFERENCE**

Date: July 28, 2010  
 Time: 2:30 p.m.

20 \_\_\_\_\_/

**STIPULATION**

22 The parties to the above captioned litigation hereby stipulate by and  
 23 through their undersigned counsel of record to the following:

24 The Case Management Conference in this matter is scheduled for  
 25 July 28, 2010.

26 This case involves alleged barriers to access for disabled persons at  
 27 the Eastmont Mall in Oakland, California. The subject property is so large that the  
 28 parties completed the site inspection in two stages. The first inspection took place

1 on November 10, 2009, and the second inspection took place on February 8, 2010.  
2 Due to the size and scope of the subject premises, and to some health issues  
3 experienced by plaintiff's access consultant, it took several months for plaintiff's  
4 access consultant to complete his draft report. Plaintiff sent her access  
5 consultant's report to defendants July 15, 2010 on a "privileged for settlement"  
6 basis. Defendants have not had an opportunity to digest the report, which is over  
7 100 pages long.

8 This case is governed by General Order 56, which stays discovery so that  
9 the parties may attempt to mediate plaintiff's claims for injunctive relief, damages,  
10 and attorney fees, litigation expenses, and costs. Plaintiff has already settled those  
11 of her claims for injunctive relief, damages, and attorney fees which are particular  
12 to defendant BANK OF AMERICA, NA, and received payment for those claims  
13 for damages and attorney fees from BANK OF AMERICA, NA. The remaining  
14 parties, plaintiff CHERYL GREEN and defendants EASTMONT OAKLAND  
15 ASSOCIATES, LLC and SCANLANKEMPERBARD COMPANIES have also  
16 been working cooperatively and in good faith toward settlement. The remaining  
17 parties wish to participate fully in the General Order 56 and mediation process  
18 before setting a case management conference.

19 Therefore, the parties hereby request that the Court continue the July  
20 28, 2010, Case Management Conference to the first available date after November  
21 1, 2010, so that the parties may continue the process under General Order 56,  
22 toward possible resolution of plaintiff's claims. Good cause exists to request the  
23 continuance on the grounds that the parties are still actively working toward  
24 settlement, continue to cooperate in the exchange of information, and believe that  
25 a continuance of the Case Management Conference will conserve attorneys fees,  
26 court resources, and facilitate the possibility of reaching resolution of all issues in  
27 this case.

28 IT IS SO STIPULATED.

STIPULATION AND PROPOSED ORDER TO  
CONTINUE CASE MANAGEMENT CONFERENCE  
CASE C09-03682 SBA

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Dated: July 16, 2010

LAW OFFICES OF PAUL L. REIN

/s/ Catherine Cabalo  
By: CATHERINE CABALO, Esq.  
Attorneys for Plaintiff  
CHERYL GREEN

Dated: July 16, 2010

SHEPPARD MULLIN

/s/ Deborah Martin  
By: DEBORAH MARTIN, Esq.  
Attorneys for Defendants EASTMONT  
OAKLAND ASSOCIATES LLC and  
SCANLANKEMPERBARD COMPANIES

Dated: July 16, 2010

BUCHALTER NENER

/s/ William Miller  
By: WILLIAM MILLER, Esq.  
Attorneys for Defendant BANK OF  
AMERICA, NA

STIPULATION AND PROPOSED ORDER TO  
CONTINUE CASE MANAGEMENT CONFERENCE  
CASE C09-03682 SBA

1 **ORDER**

2  
3 Pursuant to the Stipulation of the Parties it is hereby ordered that the  
4 Case Management Conference in this matter be continued to November 4, 2010, at  
5 2:30 p.m. via telephone. The parties shall **meet and confer** prior to the conference  
6 and shall prepare a joint Case Management Conference Statement which shall be  
7 filed no later than ten (10) days prior to the Case Management Conference that  
8 complies with the Standing Order For All Judges Of The Northern District Of  
9 California and the Standing Order of this Court. Plaintiffs shall be responsible for  
10 filing the statement as well as for arranging the conference call. All parties shall  
11 be on the line and shall call (510) 637-3559 at the above indicated date and time.

12 IT IS SO ORDERED.

13  
14 Dated: 7/20/10

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16 SAUNDRA B. ARMSTRONG  
17 DISTRICT JUDGE