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6 Attorney for Plaintiff Frederick Schiff.

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA-**  
 10

11 FREDERICK SCHIFF,

12 Plaintiff,

13 vs.

14 TERESA BARRETT, et al.,

15 Defendant.

CASE NO. C10-01051 PJH

**STIPULATION TO CONTINUE MOTION  
 TO DISMISS HEARING; [~~PROPOSED~~]  
 ORDER THEREON**

Complaint filed: March 11, 2010

Second Amended Complaint Filed:

August 13, 2010

Date: November 3, 2010

Honorable: Phyllis J. Hamilton

Time: 2:00 p.m.

Place: Courtroom 3, 3rd Floor  
 Federal Building, 1301 Clay Street, Oakland, CA

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1 IT IS STIPULATED BY THE PARTIES AS FOLLOWS:

2 Plaintiff Frederick Schiff and Defendants City and County of San Francisco, the individually  
3 named Police Commissioners, Marshall, Mazzucco, DeJesus, Onek, Pan, and Hammer in their  
4 individual capacities, and San Francisco Police Captain Teresa Barrett in her individual capacity, by and  
5 through their counsel, hereby jointly stipulate to continue the Defendants' Motion to Dismiss hearing  
6 date as follows:

7  
8 WHEREAS, the current Defendants' Motion to Dismiss hearing in the above-references matter  
9 is schedule to commence on November 3, 2010 at 9:00 a.m.;

10 WHEREAS, the Parties have agreed and desire to continue the current November 3, 2010  
11 Motion to Dismiss hearing date to November 24, 2010. If this date is not available, the Parties agree to  
12 continue the matter to December 8, 2010.

13 WHEREFORE, based upon the foregoing, the Parties hereby stipulate and respectfully request  
14 the Court's approval as follows:

- 15 1. Motion for Hearing date, currently set for November 3, 2010 at 9:00 a.m., shall be continued  
16 December 8  
to ~~November 24~~, 2010 at 9:00 a.m.

17  
18 Dated: October 25, 2010

DENNIS J. HERRERA  
City Attorney  
ELIZABETH S. SALVESON  
Chief Labor Attorney  
LAUREN M. MONSON  
Deputy City Attorney(s)

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23 By: /s/ Lauren M. Monson  
LAUREN M. MONSON  
Attorneys for Defendant(s) CITY AND  
24 COUNTY OF SAN FRANCISCO, et al.

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26 Law Office of Thomas K. Bourke  
27 By: /s/ Thomas K. Bourke  
THOMAS K. BOURKE  
28 Attorney for Plaintiff Frederick Schiff

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**PURSUANT TO STIPULATION, AND AGREEMENT OF THE COURT, IT IS SO ORDERED:**

Dated: 10/26/10

THE HONORABLE PHYLIS J. HAMILTON



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IT IS SO ORDERED  
*Phyllis J. Hamilton*  
Judge Phyllis J. Hamilton

**PROOF OF SERVICE**

STATE OF CALIFORNIA            )  
  )  
COUNTY OF LOS ANGELES       )       ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 601 West Fifth Street, Eighth Floor, Los Angeles, California 90071-2092.

On, October 25, 2010, I served a copy of:

**Stipulation To Continue Motion to Dismiss Hearing; [Proposed] Order Thereon;**

**(BY MAIL)** C.C.P. section 1013(a) by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at 601 W. Fifth Street, Los Angeles, CA 90071.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service made pursuant to C.C.P. 1013(a) should be presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**(BY PERSONAL DELIVERY)** C.C.P. section 1011 by placing a true copy thereof enclosed in a sealed envelope addressed as follows. I caused such envelope to be delivered by hand to the offices of the addressee(s).

**(BY FACSIMILE)** C.C.P. section 1013(e) by sending a true copy from The Law Office of Thomas K. Bourke's facsimile transmission telephone number 213.623.5325 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

**(BY ELECTRONIC SERVICE)** C.C.P. section 1010.6 by electronically mailing a true and correct copy by electronic mail to the email address(s) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6.

**(BY OVERNIGHT DELIVERY)** C.C.P. section 1013(d) by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by FedEx at 601 West Fifth Street, Los Angeles, CA 90071.

Lauren M. Monson, Esq.  
Deputy City Attorney  
Fox Plaza  
1390 Market Street, Fifth Floor  
San Francisco, CA 94102-5408  
lauren.monson@sfgov.org

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

Executed on October 25, 2010 in Los Angeles, California.

  
Leslie Ghazarian