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15 Attorneys for Defendants
 16 CITY AND COUNTY OF SAN FRANCISCO, ET AL.

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 18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 DEREK KERR,
 21 Plaintiff,
 22 v.
 23 THE CITY AND COUNTY OF SAN
 FRANCISCO, MITCHELL H. KATZ, MIVIC
 24 HIROSE, COLLEEN RILEY ,
 25 Defendants.

Case No. CV 10 5733 CW

**[PROPOSED] ORDER AND
 STIPULATION RE CONTINUANCE OF
 MSJ HEARING AND BRIEFING DATES
 AND CONTINUANCE OF TRIAL AND
 TRIAL RELATED DATES**

1 Whereas the parties had a dispute regarding certain timely discovery propounded by plaintiff,
2 discovery that plaintiff contends is necessary to oppose, in part, defendants' pending motion for
3 summary judgment;

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5 Whereas the parties submitted the dispute to Magistrate Spero the result of which is that
6 plaintiff will be conducting a 30(b)(6) deposition;

7
8 Whereas defense counsel is not available to provide the 30(b)(6) witness for plaintiff to
9 depose until after his trial, scheduled for the week of June 11-15, 2012, is concluded;

10 Whereas plaintiff's opposition to defendants' motion for summary judgment is currently due
11 on June 14, 2012, however, plaintiff is unable to provide a complete response to defendants' motion
12 until after he conducts the 30(b)(6) deposition;

13
14 Whereas the parties agree to the following which will allow the parties to conduct the
15 30(b)(6) deposition ordered by Magistrate Spero and fully brief defendant's Motion for Summary
16 Judgment presently before the court:

17 Plaintiff will file his opposition to the motion for summary judgment on July 19, 2012,
18 and in that opposition will address all issues raised in defendant's motion, including the
19 *Monell* issues which are the subject of the pending 30(b)(6) deposition. In addition,
20 plaintiff shall serve defendants on June 29th a draft of his opposition brief principally in
21 the form it will be filed on July 19th, save for plaintiff's arguments regarding the *Monell*
22 issues. Defendants' reply will be due July 26, 2012;

23
24 Whereas the parties also agree to continue the hearing date on defendants' motion for
25 summary judgment to August 9, 2012, and to continue the trial date to November 12, 2012, or as
26 soon thereafter as the parties and the Court's schedule will allow.

1 Dated: June 12, 2012

KOCHAN & STEPHENSON

2 /s/ Deborah Kochan

3 Deborah Kochan
4 Attorneys for Plaintiff
5 DEREK KERR

6
7 Dated: June 12, 2012

DENNIS J. HERRERA, City Attorney
ELIZABETH S. SALVESON, Chief Labor Attorney
JONATHAN C. ROLNICK, Deputy City Attorney

10
11 /s/ Jonathan C. Rolnick


12 Jonathan C. Rolnick
13 Attorneys for Defendants
14 CITY AND COUNTY OF SAN FRANCISCO

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IT IS HEREBY ORDERED that plaintiff will file his opposition to defendants' motion for summary judgment on July 19, 2012, and in that opposition will address all issues raised in defendants' motion, including the *Monell* issues which are the subject of the pending 30(b)(6) deposition. In addition, plaintiff shall serve defendants on June 29th a draft of his opposition brief principally in the form it will be filed on July 19th, save for plaintiff's arguments regarding the *Monell* issues. Defendants' reply will be due July 26, 2012. Further, the Court orders that the hearing date on defendants' motion for summary judgment and the further case management conference are continued to August 9, 2012; the pretrial conference is continued to October 31, 2012; and the trial is continued to November 13, 2012.

IT IS SO ORDERED.

DATED: 6/13/2012



HONORABLE CLAUDIA WILKEN
U.S. DISTRICT JUDGE