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 10 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION
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13 **MICHAEL TOSCHI,**

14 Plaintiff,

15 v.

16 **CHP OFFICER VU WILLIAMS (#19084),**
 17 **CHP OFFICER B. BOROJA (#10108); CHP**
 18 **SERGEANT S. RAMOS (#15267);**
 19 **COUNTY OF SAN MATEO, SAN MATEO**
 20 **COUNTY SHERIFF'S DEPUTY J.**
 21 **DIONIDA (#905), SAN MATEO COUNTY**
 22 **SHERIFF'S DEPUTY J. GURKOVIC**
 23 **(#632), and DOES ONE to FIFTY, inclusive,**

24 Defendants.

Case No. CV 13-02781 PJH

**FURTHER JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT AND
 [PROPOSED] ORDER RESCHEDULING
 CASE MANAGEMENT CONFERENCE**

Date: February 20, 2014

Time: 2:00 p.m.

Courtroom: 3 (Third Floor)

Judge: Honorable Phyllis J. Hamilton

25 **FURTHER CASE MANAGEMENT CONFERENCE STATEMENT**

26 Counsel for the parties jointly respectfully submit the following case status update and
 27 respectfully request that the Court continue the upcoming Case Management Conference,
 28 currently scheduled for February 20, 2013, until May 8, 2013 or the next available court date, as
 follows:

1 **I. CASE STATUS UPDATE**

2 This case was filed on June 17, 2013 by Plaintiff Michael Toschi. Defendants California
3 Highway Patrol (“CHP”) Officers Vu Williams and B. Boroja and CHP Sergeant S. Ramos
4 (collectively, “CHP Defendants”) answered the complaint on September 9, 2013. Defendants
5 County of San Mateo, Sheriff’s Deputy J. Dionida, and San Mateo County Sheriff’s Deputy J.
6 Gurkovic (collectively, “County Defendants”) also answered on September 9, 2013.

7 The Initial Case Management Conference (“CMC”) was scheduled for November 21,
8 2013. In connection with the Initial CMC, counsel for the parties filed a Joint CMC Statement
9 with the Court on November 11, 2013. Docket No. 19. On November 21, 2013, the court held
10 the Initial CMC with counsel for all parties present. In the Civil Minutes of the proceedings, the
11 Court wrote, “The court grants the parties joint request to continue the case management
12 conference until February to see if the trial in the state court proceeding resolves before setting a
13 schedule.”

14 At the end of January 2014, counsel for the parties were advised that the criminal trial
15 against Plaintiff, previously scheduled for January 27, 2014, had been continued to April 1, 2014,
16 due to a change in the lead defense counsel. Counsel for Plaintiff spoke with Plaintiff’s lead
17 defense counsel in his criminal case, and the defense counsel stated that barring unforeseen
18 circumstances (*e.g.*, lack of an available courtroom), she fully expects the criminal case against
19 Plaintiff to commence on April 1, 2014.

20 Since the Initial CMC, counsel for the parties have proceeded diligently with the case.
21 The parties have exchanged Initial Disclosures and entered into a stipulated protective order.
22 Counsel will continue with damages discovery and will attempt to negotiate whether any of the
23 legal issues raised in this case can be resolved by stipulation or whether a motion or motions will
24 be needed.

25 **II. STIPULATION AND REQUEST TO CONTINUE CMC**

26 Based on the facts set forth above, counsel for the parties stipulate to and respectfully
27 request that the Court continue the Further CMC in this case from Thursday, February 20, 2015 to
28 Thursday, May 8, 2015, or to the next available CMC date after May 8, 2015, to allow the

1 criminal case to proceed against Plaintiff. All counsel further stipulate that they will file a Joint
2 Further CMC Statement with an updated case status with the Court on Thursday, May 1, 2014.

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4 Dated: February 12, 2014

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOHN P. DEVINE
Supervising Deputy Attorney General

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/s/ Amy W. Lo
AMY W. LO, Deputy Attorney General
Attorneys for Defendants CHP Officer Vu Williams, CHP Officer B. Boroja, CHP Sgt. S. Ramos

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12 Dated: February 13, 2014

Respectfully submitted,
GEARINGER LAW GROUP

/s/ BRIAN GEARINGER
BRIAN GEARINGER, ESQ.
Attorneys for Plaintiff Michael Toschi

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17 Dated: February 12, 2014

Respectfully submitted,
JOHN C. BEIERS
SAN MATEO COUNTY COUNSEL

/s/ David Levy
DAVID A. LEVY, Deputy County Counsel
Attorneys for Defendants County of San Mateo, Deputy Jay Dionida, Deputy Jesse Gurkovic

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PROPOSED ORDER

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Good cause appearing, the Further Case Management Conference currently set for Thursday, February 20, 2014 is continued to Thursday, May 8, 2014. The parties are ordered to file a Further Case Management Conference with the Court no later than Thursday, May 1, 2014.

DATED: February 18, 2014

Honorable Phyllis J. Hamilton
United States District Judge

