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7 Attorney for **Plaintiff**  
8 **JOSE ALIS HERNANDEZ GARCIA**

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

11 JOSE ALIS HERNANDEZ GARCIA  
12 PLAINTIFF

CASE NO: C 13-03295 DMR

13 V.

**STIPULATION TO CONTINUE CMC AND  
IN THE ALTERNATIVE, TO ALLOW FOR  
PLAINTIFF TO TELEPHONICALLY  
APPEAR**

14 CITY AND COUNTY OF SAN  
15 FRANCISCO AND DOES 1 TO 50,  
16 INCLUSIVE  
17 DEFENDANTS

**DATE: APRIL 23, 2014**  
**TIME: 1:30 PM**  
**DEPT: COURTROOM 4**

18 STIPULATION TO CONTINUE AND, IN THE ALTERNATIVE, TO ALLOW PLAINTIFF  
19 TO TELEPHONICALLY APPEAR

20 Plaintiff, by and through his attorney of record, and Defendants, by and through their  
21 attorneys of record, hereby stipulate, subject to the approval of the Court, that the CMC be  
22 continued to any of the following dates: May 14, May 21 or May 28, 2014. In the alternative,  
23 the parties stipulate that Plaintiff's counsel may appear by telephone. In support thereof,  
24 Plaintiff states as follows:

- 25 1. Plaintiff's counsel, H. Nelson Meeks, will be out of town on April 23, 2014.
- 26 2. Co-counsel, Ms. J.D. Trow and Mr. William W. Haskell, both of whom are familiar with  
27 this case, and whom Mr. Meeks planned on having available if necessary, are not  
28 available. Ms. J.D. Trow is not available because she is recovering from a recent cancer

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surgery necessitating her absence through April 30th. Mr. Haskell became unavailable because a trial for which he is serving as a judge, now appears that it will not conclude until sometime after Wednesday.

- 3. Neither party will be prejudiced by a continuance.
- 4. In the alternative, Plaintiff's counsel requests permission to appear by telephone.

Dated: April 21, 2014

DENNIS J. HERRERA  
City Attorney  
CHERYL ADAMS  
Chief Trial Deputy  
WARREN METLITZKY  
Deputy City Attorney

By: /s/ Warren Metlitzky  
WARREN METLITZKY

Attorneys for Defendant  
CITY AND COUNTY OF SAN  
FRANCISCO

Dated: April 21, 2014

LAW OFFICES OF H. NELSON MEEKS

By: /s/ H. Nelson Meeks  
H. NELSON MEEKS

Attorneys for Plaintiff  
JOSE A. HERNANDEZ GARCIA  
**Plaintiff**

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4 ~~[PROPOSED]~~ ORDER (AS MODIFIED)

5 Pursuant to Stipulation, IT IS SO ORDERED.

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7 X The CMC is continued until May 28, 2014 at 1:30 p.m. The updated Joint Case Management  
8 Conference Statement is due no later than May 21, 2014.

9      Plaintiff's counsel may appear by telephone.

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DATE: April 21, 2014



Donna M. Ryu  
Magistrate Judge