NOAH G. BLECHMAN (State Bar No. 197167) 1 noah.blechman@mcnamaralaw.com 2 AMY S. ROTHMAN (State Bar No. 308133) amy.rothman@mcnamaralaw.com 3 McNamara, Ney, Beatty, Slattery, BORGES & AMBACHER LLP 4 1211 Newell Avenue Walnut Creek, CA 94596 5 Telephone: (925) 939-5330 Facsimile: (925) 939-0203 6 Attorneys for Defendants 7 OFFICER JAMES COLLEY; ANTIOCH POLICE DEPARTMENT; and CITY OF ANTIOCH 8 9 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 10 11 12 ANTHONY MICHAEL MABUTAS, JR., Case No. C14-3796 KAW 13 Plaintiff, STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE 14 MANAGEMENT CONFERENCE VS. 15 OFFICER JAMES COLLEY, in his official Judge: Hon. Kandis A. Westmore and individual capacities, ANTIOCH POLICE DEPARTMENT, and CITY OF 16 ANTIOCH, CALIFORNIA, 17 Defendants. 18 19 Plaintiff ANTHONY MICHAEL MABUTAS, JR., and Defendants OFFICER JAMES 20 COLLEY; ANTIOCH POLICE DEPARTMENT; and CITY OF ANTIOCH, by and through their 21 respective attorneys of record, hereby stipulate to the following: 22 1. WHEREAS Plaintiff filed a civil rights complaint in the United States District 23 Court in the Northern District of California on August 21, 2014, arising out of Plaintiff's arrest by 24 an officer of the Antioch Police Department on June 9, 2014; 25 2. WHEREAS Plaintiff has a pending criminal case against him arising out of an 26 April 14, 2015, arrest with charges for, among other things, violating Penal Code section 187(a) 27 pending against him in the Superior Court of Contra Costa County. 28 STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE., C14-3796 KAW

1

2

3.

pending criminal action is scheduled for July, 2017.

TELEPHONE: (925) 939-5330	3	4. WHEREAS it has be	een previously agreed that the outcome of the Plaintiff's
	4	pending criminal trial may directly or indirectly bear on the issues in this Fourth Amendment civil	
	5	rights case.	
	6	5. WHEREAS, with the	exception of third party discovery, this matter is presently
	7	stayed until the resolution of Plaintiff's criminal action.	
	8	6. WHEREAS this matter	er is currently set for a further Case Management Conference
	9	on March 7, 2017.	
	10	7. WHEREFORE, the p	arties by and through their respective counsel, respectfully
	11	seek an Order from the Court to continue the further Case Management Conference to sometime	
	12	in August or September of 2017.	
	13	IT IS SO STIPULATED	
	14	The parties attest that concurrence in the filing of these documents has been obtained from	
	15	each of the other Signatories, which s	shall serve in lieu of their signatures on the document.
	16		
	17	Dated: January 24, 2017	Law Office of Mark W. Kelsey
	18		Dru /a/Mark W. Walaari
	19		By: /s/ Mark W. Kelsey Mark W. Kelsey
	20		Attorney for Plaintiff ANTHONY MICHAEL MABUTAS, JR.
	21		
	22		MCNAMARA, NEY, BEATTY, SLATTERY,
	23		BORGES & AMBACHER LLP
	24		By: /s/ Noah G. Blechman
	25		Noah G. Blechman Amy S. Rothman
	26		Attorneys for Defendants OFFICER JAMES COLLEY; ANTIOCH POLICE
	27		DEPARTMENT; and CITY OF ANTIOCH
	28		

WHEREAS Counsel for Plaintiff is informed that Plaintiff's trial date for the

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP ATTORNEYS AT LAW 1211 NEWELL AVENUE, WALNUT CREEK, CA 94596 TELEPHONE: (925) 939-5330

<u>ORDER</u>

IT IS SO ORDERED.

Dated: 1/30 , 2017 By: X and Wesland

UNITED STATES MAGISTRATE JUDGE