CONFERENCE., C14-3796 KAW

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9	UNITED STATES DISTRICT COURT	
10	NORTHERN DISTRICT OF CALIFORNIA	
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12	ANTHONY MICHAEL MABUTAS, JR.,	Case No. C14-3796 KAW
13	Plaintiff,	STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE
14	vs.	MANAGEMENT CONFERENCE
15	OFFICER JAMES COLLEY, in his official	Judge: Hon. Kandis A. Westmore
16	and individual capacities, ANTIOCH POLICE DEPARTMENT, and CITY OF ANTIOCH, CALIFORNIA,	
17	Defendants.	
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20	Plaintiff ANTHONY MICHAEL MABUTAS, JR., and Defendants OFFICER JAMES	
21	COLLEY; ANTIOCH POLICE DEPARTMENT; and CITY OF ANTIOCH, by and through their	
22	respective attorneys of record, hereby stipulate to the following:	
23	1. WHEREAS Plaintiff filed a civil rights complaint in the United States District	
24	Court in the Northern District of California on August 21, 2014, arising out of Plaintiff's arrest by	
25	an officer of the Antioch Police Department on June 9, 2014;	
26	2. WHEREAS Plaintiff has a pending criminal case against him arising out of an	
27	April 14, 2015, arrest with charges for, among other things, violating Penal Code section 187(a)	
28	pending against him in the Superior Court of Contra Costa County.	
	STIPULATION AND [PROPOSED] ORDER TO	

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2	pending criminal action is scheduled for January 23, 2018.	
3	4. WHEREAS it has been 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 is currently set for a further Case Management Conference	
9	on September 19, 2017.	
10	7. WHEREFORE, the parties 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 February or March of 2018.	
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 shall serve in lieu of their signatures on the document.	
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17	Dated: August 30, 2017 Law Office of Mark W. Kelsey	
18	Dec. /s/MadaW Walana	
19	By: /s/ Mark W. Kelsey Mark W. Kelsey	
20	Attorney for Plaintiff ANTHONY MICHAEL MABUTAS, JR.	
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22	Dated: August 30, 2017 MCNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP	
23	BURGES & AMBACHER LLP	
24	By: /s/ Noah G. Blechman Noah G. Blechman	
25	Amy S. Rothman	
26	Attorneys for Defendants OFFICER JAMES COLLEY; ANTIOCH POLICE DEPARTMENT: and CITY OF ANTIOCH	
27	DEPARTMENT; and CITY OF ANTIOCH	
I.		

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

ORDER

Pursuant to the parties' stipulation and on a showing of good cause, the Court orders that			
the further Case Management Conference currently set for September 19, 2017, is hereby			
rescheduled to March 6, 2018, at 1:30 p.m. in the undersigned's			
Department. The parties shall file an Updated Joint Case Management Conference Statement no			
later than seven (7) days prior to the new Case Management Conference date. Should the			
pending criminal case of Plaintiff be finally resolved before that time frame, the parties shall			
jointly provide notice to the Court as soon as feasible.			

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE