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6 Attorneys for Defendants  
7 OFFICER JAMES COLLEY; ANTIOCH POLICE  
DEPARTMENT; and CITY OF ANTIOCH  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11  
12 ANTHONY MICHAEL MABUTAS, JR.,

13 Plaintiff,

14 vs.

15 OFFICER JAMES COLLEY, in his official  
and individual capacities, ANTIOCH  
16 POLICE DEPARTMENT, and CITY OF  
ANTIOCH, CALIFORNIA,

17 Defendants.  
18

Case No. C14-3796 KAW

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Judge: Hon. Kandis A. Westmore

19  
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  
CONTINUE CASE MANAGEMENT  
CONFERENCE., C14-3796 KAW

1 3. WHEREAS Counsel for Plaintiff is informed that Plaintiff's trial date for the  
2 pending criminal action that was scheduled for January 23, 2018, has been continued to June 4,  
3 2018.

4 4. WHEREAS it has been previously agreed that the outcome of the Plaintiff's  
5 pending criminal trial may directly or indirectly bear on the issues in this Fourth Amendment civil  
6 rights case.

7 5. WHEREAS, with the exception of third party discovery, this matter is presently  
8 stayed until the resolution of Plaintiff's criminal action.

9 6. WHEREAS this matter is currently set for a further Case Management Conference  
10 on March 6, 2018.

11 7. WHEREFORE, the parties by and through their respective counsel, respectfully  
12 seek an Order from the Court to continue the further Case Management Conference to sometime  
13 in late June or early July of 2018.

14 IT IS SO STIPULATED

15 The parties attest that concurrence in the filing of these documents has been obtained from  
16 each of the other Signatories, which shall serve in lieu of their signatures on the document.

17 Dated: February 9, 2018 Law Office of Mark W. Kelsey  
18  
19 By: /s/ Kelsey, Mark  
20 Mark W. Kelsey  
21 Attorney for Plaintiff  
22 ANTHONY MICHAEL MABUTAS, JR.

23 Dated: February 9, 2018 McNAMARA, NEY, BEATTY, SLATTERY,  
24 BORGES & AMBACHER LLP  
25 By: /s/ Blechman, Noah  
26 Noah G. Blechman  
27 Amy S. Rothman  
28 Attorneys for Defendants  
OFFICER JAMES COLLEY; ANTIOCH POLICE  
DEPARTMENT; and CITY OF ANTIOCH

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**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 March 6, 2018, is hereby rescheduled to July 10, 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.**

Dated: 2/13, 2018

By: Kandis Westmore  
HON. KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE