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8 *Attorneys for Defendants Board of Trustees*  
*of the California State University and*  
9 *Gregory Young*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 **MARK TICER,**

15 Plaintiff,

16 v.

18 **GREGORY YOUNG, PROFESSOR OF**  
**SAN JOSE STATE UNIVERSITY, BOARD**  
19 **OF TRUSTEES OF THE CALIFORNIA**  
20 **STATE UNIVERSITY,**

21 Defendants.

16-cv-02198-KAW

**STIPULATED ADMINISTRATIVE  
MOTION TO EXTEND ADR DEADLINE**

**[Local Rules 6, 7.11, and 7.12]**

Judge: The Honorable Kandis A.  
Westmore  
Trial Date: October 15, 2019  
Action Filed: April 22, 2016

22 **RELIEF REQUESTED**

23 Pursuant to Local Rules 6, 7.11 and 7.12, the parties wish to extend the current ADR  
24 deadline, November 15, 2018, to December 7, 2018. In consultation with ENE evaluator Ellyn  
25 Moscowitz, pending approval of this motion the parties have tentatively set their combined  
26 ENE/mediation for November 29, 2018. The additional week of time, to December 7, is  
27 requested in the event the November 29 date is not convenient for any of the parties/decision-  
28 makers.

1 **BACKGROUND**

2 This is a disability discrimination case filed by plaintiff Mark Ticer, *pro se*, on April 22,  
3 2016. Docket 1. Plaintiff did not retain counsel until late December, 2017, and counsel filed  
4 their Notices of Appearance on January 2, 2018. Dockets 73 and 74. The operative pleading, the  
5 Fifth Amended Complaint, was filed May 24, 2018. Docket 95. This case was put at-issue with  
6 Defendants' Answer on June 7, 2018. Docket 98.

7 This case was assigned to ENE on June 12, 2018 (Docket 100), with a stipulated ENE  
8 deadline of November 16, 2018. Docket 100. An ENE evaluator was first appointed on  
9 September 18, 2018. Docket 111. The parties' first call with evaluator Moscovitz was held the  
10 morning of September 24, 2018.

11 The parties have conducted extensive written discovery. Defendant Young was deposed  
12 September 13 and plaintiff was deposed September 21; the parties also are working on scheduling  
13 the deposition of defendant California State University's 30(b)(6) representative during the first  
14 two weeks of October.

15 This is the parties' first requested extension of time for ADR.

16 **GROUND FOR REQUESTED RELIEF**

17  
18 Until six days ago, counsel for defendants, Deputy Attorney General Kymberly E. Speer,  
19 was set for trial in *Zayas v. Ortega*, USDC-ND Case No. 3:17-cv-02739, on November 5-7, 2018  
20 before Judge Edward Chen. At the *Zayas* Pretrial Conference on September 19, 2018, Judge  
21 Chen advised the parties that he had moved the trial dates to Nov. 13-15 and 19, 2018, with jury  
22 selection to be Nov. 7. See *Zayas*, Docket 101. (The trial dates have since been amended again,  
23 to eliminate jury selection on Nov. 7. *Zayas*, Docket 104.)

24 The parties to the instant case wish to continue the deadline for ENE in the instant case so  
25 as to avoid the scheduling conflict caused by the unanticipated change to the trial dates in *Zayas*.  
26 Defendants proposed the ADR continuance in the parties' first conference call with ENE  
27 evaluator Moscovitz the morning of September 24, 2018, and the parties have tentatively set a  
28 date for the ENE/mediation on November 29, 2018, pending resolution of this stipulated motion.

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As noted above, the parties wish to extend the deadline for ADR to December 7 so as to avoid needing another extension in the event the tentative ENE date of November 29 is not convenient for defendant Young or CSU's representatives/decision-makers.

**SO STIPULATED.**

Respectfully submitted,

Dated: September 25, 2018

Alexis Alvarez  
Jinny Kim  
LEGAL AID AT WORK

By: /s/ Alexis Alvarez  
ALEXIS ALVAREZ  
Attorneys for Plaintiff MARK TICER

Dated: September 25, 2018

XAVIER BECERRA  
Attorney General of California  
JEFFREY R. VINCENT  
Supervising Deputy Attorney General

/s/ Kimberly E. Speer  
KYMBERLY E. SPEER  
Deputy Attorney General  
*Attorneys for Defendants Board of Trustees  
of the California State University and  
Gregory Young*

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document was obtained from the other Signatory as confirmed in an email of September 24, 2018.

/s/ Kimberly E. Speer  
Kymberly E. Speer

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**ORDER**

Good cause appearing therefor, IT IS HEREBY ORDERED that the parties' stipulated motion to extend the deadline for ADR to December 7, 2018 is GRANTED.

Dated: 10/01/18

Kandis Westmore  
Mag. Judge Kandis Westmore

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