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6 Attorneys for Defendant  
 CITY OF SAN JOSE

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE FACILITY

12 LICKING ENTERPRISES, INC.

NO.: C07-00735 RMW (PVT)

13 Plaintiff,

**STIPULATION AND ORDER  
CONTINUING TRIAL DATE;  
DECLARATION IN SUPPORT**

14 v.

15 CITY OF SAN JOSE, a municipal  
 corporation; SAN JOSE CITY COUNCIL;  
 16 RON GONZALES, CINDY CHAVEZ, PAT  
 DANDO, KEN YEAGER, CHUCK REED,  
 17 FORREST WILLIAMS, LINDA J.  
 LEZOTTE, NORA CAMPOS, GEORGE  
 18 SHIRAKAWA, JR., DAVI D. CORTESE,  
 JOHN DIQUISTO, sued in their official  
 19 capacities,

20 Defendants.

22 I, Clifford S. Greenberg, hereby declare:

23 1. I am a Senior Deputy City Attorney for the City of San Jose, assigned to  
 24 represent the Defendants in the above-entitled action.

25 2. This action involves allegations of disability discrimination in connection with the  
 26 denial of a rezoning of Plaintiff's property, which is used for rehabilitation services for  
 27 recovering alcoholics and drug addicts.

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1           3.     The parties have been attempting to reach a resolution of this matter by a  
2 purchase of the property by the City of San Jose, which is interested in the property for  
3 purposes of use as a freeway interchange at Taylor and Highway 101.

4           4.     The parties have engaged in two unsuccessful mediations through the Court's  
5 mediation program, and are currently in the process of setting up a third, private mediation  
6 with JAMS. If the case cannot be resolved, Defendants intend to file a Motion for Summary  
7 Judgment, in order to dispose of some, if not all, issues involved in the case. Both parties  
8 wish to resolve the case prior to the expense and time involved in preparing and defending  
9 said motion, and the expense involved in hiring and deposing experts.

10          5.     For these reasons, the parties have agreed to continue the dates for trial,  
11 motions and experts, in order to pursue resolution. The parties propose to adjust the  
12 schedule as follows:

13           Current Trial Date: June 22, 2009	Proposed Trial Date: September 14, 2009
14           Current Motions Date: May 1, 2009	Proposed Motions Date: July 17, 2009
15           Current PTC: June 4, 2009	Proposed PTC: August 27, 2009
16           Current Expert Disclosure: Passed	Proposed Expert Disclosure: June 22, 2009

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1 **STIPULATION**

2 The parties hereby stipulate to adjust the schedule in the above-entitled case, as  
3 follows:

4 Current Trial Date: June 22, 2009 Proposed Trial Date: September 14, 2009  
5 Current Motions Date: May 1, 2009 Proposed Motions Date: July 17, 2009  
6 Current PTC: June 4, 2009 Proposed PTC: August 27, 2009  
7 Current Expert Disclosure: Passed Proposed Expert Disclosure: June 22, 2009

8 DATED: March 20, 2009 RICHARD DOYLE, City Attorney

9  
10 By: /s/ Clifford S. Greenberg  
11 CLIFFORD S. GREENBERG  
12 Senior Deputy City Attorney

13 Attorneys for Defendant  
14 CITY OF SAN JOSE

15 DATED: March 20, 2009 LAW OFFICES OF STUART D. KIRCHICK

16 By: /s/ Stuart D. Kirchick  
17 STUART D. KIRCHICK

18 Attorneys for Plaintiff  
19 LICKING ENTERPRISES, INC.

20 **ORDER**

21 For good cause shown, it is hereby ORDERED that the schedule for the above-entitled  
22 case is adjusted, as follows:

23 Current Trial Date: June 22, 2009 Proposed Trial Date: September 14, 2009  
24 Current Motions Date: May 1, 2009 Proposed Motions Date: July 17, 2009  
25 Current PTC: June 4, 2009 Proposed PTC: August 27, 2009  
26 Current Expert Disclosure: Passed Proposed Expert Disclosure: June 22, 2009

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28 DATED: 4/9/09

*Ronald M. Whyte*  
JUDGE, U.S. DISTRICT COURT