

1 **Stuart D. Kirchick, Esq.**  
 2 **State Bar No.: 144145**  
 3 **LAW OFFICES OF STUART D. KIRCHICK**  
 4 **1143 Story Road, Suite 210**  
 5 **San Jose, California 95122**  
 6 **Ph: 408/291-0123 Facsimile: 408/291-0418**

**\*E-FILED - 8/26/09\***

**Attorney for:** Licking Enterprises, Inc.

7  
 8 IN THE UNITED STATES OF CALIFORNIA  
 9  
 10 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 LICKING ENTERPRISES, INC., ]  
 12  
 13 Plaintiff(s), ]  
 14 v. ]  
 15 CITY OF SAN JOSE, a municipal ]  
 16 corporation; SAN JOSE CITY COUNCIL; ]  
 17 RON GONZALES, CINDY CHAVEZ, PAT ]  
 18 DANDO, KEN YEAGER, CHUCK REED, ]  
 19 FORREST WILLIAMS, LINDA J. LE ]  
 20 ZOTTE, NORA CAMPOS, GEORGE ]  
 21 SHIRAKAWA, JR., DAVID D. CORTESE, ]  
 22 JOHN DIQUISTO, sued in their official ]  
 23 capacities, ]  
 24  
 25 Defendant(s). ]

Case No.: C07-00735 RMW (PVT)

26 **STIPULATION OF COUNSEL TO**  
**CONTINUE PRE-TRIAL CONFERENCE**  
**AND TRIAL DATES**  
**AND ORDER**

27  
 28 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES THROUGH  
 29 THEIR COUNSEL HERETO THAT the Declaration of Stuart D. Kirchick, counsel for  
 30 Plaintiff, be hereby incorporated herein by reference.

31 It is further hereby stipulated by and through the parties through their counsel herein  
 32 that the pre-trial conference and trial dates be taken off calendar and continued for  
 33 approximately sixty days beyond their currently scheduled dates to accommodate finalizing  
 34 settlement of the above referenced case, as set forth in the declaration of Stuart D. Kirchick.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

So Stipulated.

Dated: August 26, 2009

By: /s/ Stuart D. Kirchick  
STUART D. KIRCHICK,  
Attorney for Plaintiff, Licking Enterprises, Inc.

So Stipulated.

Dated: August 26, 2009

By: /s/ Robert Fabela  
ROBERT FABELA,  
Senior Deputy City Attorney  
Attorney for Defendant, The City

**PROPOSED ORDER**

~~It is hereby ordered that the Pre-trial Conference is hereby vacated and rescheduled to~~  
~~===== It is hereby further ordered that the currently scheduled trial date in the~~  
~~above-referenced case be hereby vacated and continued to =====.~~

Date: 8/26/09

By: Ronald M. Whyte  
Ronald M. Whyte,  
United States District Court Judge

It is ordered that the Pretrial Conference and trial date are hereby vacated. The parties shall appear for a Case Management Conference on **October 30, 2009 @ 10:30 a.m.** If the settlement is final, the parties are to file a dismissal with the Court by **October 23, 2009**, and contact the Courtroom Deputy at (408) 535-5375, so as to take this matter off calendar.