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6 Attorneys for Defendants,
 7 CITY OF SAN JOSE, OFFICER PFIEFER, OFFICER NATIVIDAD, OFFICER WEIR,
 and OFFICER HIGGINS
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 THOMAS VAN ZANDT,
 13 Plaintiff,
 14 vs.
 15 CITY OF SAN JOSE, OFFICERS
 PFEIFER, NATIVIDAD, WEIR, and
 16 HIGGINS, individually and as employees
 of the CITY OF SAN JOSE, TARGET
 17 STORES, INC., THE WESTFIELD
 GROUP, PROFESSIONAL SECURITY
 18 CONSULTANTS, and DOES 1-10,
 Inclusive,
 19 Defendants.

CASE NO.: C07-04987 JF

**STIPULATION AND [PROPOSED]
 ORDER VACATING THE TRIAL AND
 RELATED DATES AND SETTING A
 NEW CASE MANAGEMENT
 CONFERENCE**

STIPULATION

22 This case is currently set for trial on November 16, 2009. Based on the pretrial
 23 schedule, Defendants City of San Jose, Officer Daniel Pfiefer, Officer Mark Natividad, Officer
 24 Anthony Weir, and Officer Casey Higgins (the City Defendants) and Defendant Samantha
 25 Fein filed dispositive Motions for Summary Judgment on August 17, 2009 with a hearing date
 26 of October 2, 2009.

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1 Pursuant to the existing schedule, expert disclosures are due on September 14, 2009
2 and the expert discovery cut-off is October 5, 2009. Following this, all pretrial materials must
3 be submitted by October 13, 2009 for the October 23, 2009 Pretrial Conference.

4 In light of the Summary Judgment Motions and the increased possibility for settlement
5 following the Court's eventual ruling on the motions, as well as the parties desire to avoid
6 further, possibly unnecessary expenses which would hinder settlement discussions, the
7 parties stipulate to vacate the current November 16, 2009 trial date, the September 14, 2009
8 expert disclosure date, the October 5, 2009 expert discovery cut-off and the October 23,
9 2009 Pretrial Conference.

10 In an effort allow the Court time to issue its decision on the Summary Judgment
11 Motions and time for the parties to consider the ramifications of said rulings in relation to
12 settlement positions, the parties further stipulate to have a Case Management Conference
13 set before this Court on December 11, 2009 when, if the case is not resolved, a trial date will
14 be selected.

15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

16 Dated: September 1, 2009

RICHARD DOYLE, City Attorney

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By: _____ /s/
MICHAEL R. GROVES
Senior Deputy City Attorney

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Attorneys for Defendants,
CITY OF SAN JOSE, OFFICER PFIEFER,
OFFICER NATIVIDAD, OFFICER WEIR,
and OFFICER HIGGINS

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23 Dated: September 1, 2009

HAAPALA, THOMPSON & ABERN, LLP

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By: _____ /s/
REBECCA S. WIDEN, ESQ.

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Attorneys for Defendant,
SAMANTHA FEIN

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