

**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA**

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Ann Miller Ravel
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Winifred Botha
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September 24, 2008

Via Facsimile

Ashwin V. Ladva, Esq.
Ladva Law Firm
530 Jackson Street, 2nd Floor
San Francisco, CA 94113

Re: *Sowell v. County of Santa Clara, et al.*
Case No. 07-05394 JF

Dear Mr. Ladva:

Enclosed is the proposed Stipulation referred to by the appointed mediator and myself in the voice mail we left you yesterday. We can file this via e-filing (i.e., using a "/s/" in lieu of your actual signature). Please call me as soon as possible to advise that I am authorized to file this Stipulation with your "/s/" signature.

Very truly yours,

ANN MILLER RAVEL
County Counsel

A handwritten signature in black ink, appearing to read "Mark F. Bernal", is written over the typed name.

MARK F. BERNAL
Deputy County Counsel

Encl.

1 ANN MILLER RAVEL, County Counsel (S.B. #62139)
2 MARK F. BERNAL, Deputy County Counsel (S.B. #173923)
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6 Telephone: (408) 299-5900
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8 Attorneys for Defendants
9 COUNTY OF SANTA CLARA AND
10 SHERIFF LAURIE SMITH

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHER DISTRICT OF CALIFORNIA

13 ARTHUR SOWELL)

14 Plaintiff,)

15 v.)

16 COUNTY OF SANTA CLARA, et al.)

17 Defendants.)
18 _____)

No. 07-05394 JF (PVT)

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO CONTINUE DATE TO COMPLETE
MEDIATION**

19 The parties to this action, by and through their attorneys of record, hereby stipulate as
20 follows:

21 WHEREAS, this Court originally ordered the parties to complete mediation on or before
22 September 11, 2008, and appear for a case management conference on September 12, 2008;

23 WHEREAS, the parties and appointed mediator participated in an ADR telephone
24 conference on August 6, 2008, wherein Defendants' counsel advised that Defendants intended
25 to file a motion for summary judgment, which resulted in the appointed mediator rescheduling
26 an ADR telephone conference to September 8, 2008;

27 WHEREAS, due to Defendants' counsel being scheduled to commence a two-week jury
28 trial in Santa Clara County Superior Court on September 8, 2008, the appointed mediator
continued the ADR telephone conference to September 23, 2008, and the Court continued the
case management conference to October 10, 2008;

1 WHEREAS, at the ADR telephone conference on September 23, 2008, counsel for
2 Defendants advised the mediator that Defendants still intend to file summary judgment papers,
3 but that one of the chief declarants for Defendants' motion had been unavailable to participate
4 in preparation of the moving papers until on or after September 23, 2008; and

5 WHEREAS, Defendants are advised by the Court clerk that the first available date to hear
6 a summary judgment motion is November 21, 2008;

7 THEREFORE, it is hereby stipulated by and among the parties that:

- 8 1. The hearing on Defendants' motion for summary judgment be set for 9:00 a.m. on
9 November 21, 2008;
- 10 2. That the October 10, 2008, case management conference be continued to 9:00 a.m.
11 on November 21, 2008; and,
- 12 3. That the deadline to complete mediation, if necessary, be continued to January 21,
13 2008.

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Fax Header Information

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2008-Sep-24 12:42 PM

Job	Date/Time	Type	Identification	Duration	Pages	Result
433	2008-Sep-24 12:40 PM	Send	14152968847	1:12	5	Success

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**FAX
TELECOPIER COVER SHEET**

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Ashwin V. Ladva, Esq.,

OFFICE: Ladva Law Firm

FAX #: (415) 296-8847 REG. OFFICE #: (415) 296-8844 Ext. _____

FROM

NAME: Mark F. Bernal, Deputy County Counsel

OFFICE: OFFICE OF THE COUNTY COUNSEL OF THE COUNTY OF SANTA CLARA

FAX#: (408) 292-7240 REG. OFFICE #: (408) 299-5900

Comments: RE: Sowell v. County of Santa Clara, et al. (Letter dated September 24, 2008 w/stip and [proposed] order.)

TOTAL # OF PAGES, INCLUDING THIS COVER SHEET, BEING TRANSMITTED: 5

DATE: September 24, 2008 TIME: 12:41 p.m.

- Original will not follow
- Original will follow via:
- Regular Mail Express Mail
 - Federal Express Certified Mail/Return Receipt
 - Other

If this box is checked, please sign below as receiver and fax this cover sheet back to us (408) 292-7240 as confirmation of receipt.

Dated: _____

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