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8 **IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 JERMAINE MONTIEL,
13 v. *Plaintiff,*
14 OFFICER M. WILLIAMS, BADGE NO. 3751,
individually and in his capacity as a San Jose police
15 officer; SERGEANT C. SHEPPARD, BADGE
NO. 3125, individually and in his capacity as a
16 San Jose police officer and supervisor; OFFICER
HERNANDEZ, BADGE NO. 3898, individually
17 and in his capacity as a San Jose police officer;
OFFICER RODRIGUEZ, BADGE NO. 3087,
18 individually and in his capacity as a San Jose police
officer; JOHN DOE and RICHARD ROE,
19 individually and in their capacities as San Jose
police officers, the true names and exact numbers
20 of whom are unknown at this time; ROBERT
DAVIS, individually and in his capacity as Chief
21 of Police for the City of San Jose; CITY OF SAN
JOSE, a municipal corporation,
22 *Defendants.*

No. C 07 05490 JF

STIPULATION AND
~~PROPOSED~~ ORDER
AMENDING SCHEDULING
ORDER.

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24 **IT IS HEREBY STIPULATED** by and between the parties hereto through their respective
25 attorneys of record that having met and conferred that the jury selection and trial dates in this matter
26 be amended as follows:
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Jury Selection: 15 October 2010 at 1:30 P.M.

Jury Trial: 18 October 2010 at 9:00 A.M. and thereafter.

All other dates to remain unchanged.

The grounds for this stipulation and order are that plaintiff's counsel is engaged in a major case involving significant injuries in the matter of *Koopen v. Aberle, et al.*, Alameda County Superior County case number HG06266136, and it is likely that this case will indeed be sent out during the time this matter is set for trial.

Dated: 15 April 2010

BOSKOVICH & APPLETON

/s/Anthony Boskovich
By: _____
ANTHONY BOSKOVICH,
Attorney for Plaintiff

Dated: 13 April 2010

OFFICE OF THE CITY ATTORNEY

/s/ Michael Groves
By: _____
Michael Groves
Attorney for Defendants

It is so ordered:

Dated: 4/23/10



The Honorable Jeremy Fogel
Judge of the United States District Court