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 7 Attorneys for Defendants,  
 CITY OF SAN JOSE, ROBERT DAVIS, OFFICER MATTHEW WILLIAMS #3751,  
 SERGEANT CARLTON SHEPPARD #3125, OFFICER JUAN HERNANDEZ #3898,  
 8 and OFFICER GERARDO RODRIGUEZ #3087

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13 Attorney for Plaintiff,  
 JERMAINE MONTIEL  
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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

18 JERMAINE MONTIEL,  
 19 Plaintiff,

20 vs.

21 OFFICER M. WILLIAMS, Badge No.  
 3751; SERGEANT C. SHEPPARD,  
 22 Badge No.. 3125; OFFICER  
 HERNANDEZ, Badge No.. 3898;  
 23 OFFICER RODRIGUEZ, Badge No..  
 3087; JOHN DOE and RICHARD ROE;  
 24 ROBERT DAVIS; CITY OF SAN JOSE,  
 25 Defendants.

CASE NO.: C07-05490 JF

**STIPULATION TO CONTINUE  
 TRIAL AND RELATED DATES;  
 [PROPOSED] ORDER**

Trial Date: October 18, 2010  
 Judge: Hon. Jeremy Fogel  
 Courtroom: 3

26 The parties to this action, by and through their attorneys of record, Michael Groves for  
 27 Defendants and Anthony Boskovich for Plaintiff, hereby stipulate as follows:  
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1 This case is currently set for trial on October 18, 2010. Plaintiff's counsel, solo  
2 practitioner Anthony Boskovich, is intensely involved in a number of time consuming cases,  
3 both criminal and civil, which will interfere both with the preparation and the trial of the  
4 *Montiel* case. Also, Plaintiff's attorney is still attempting to locate witness Brandon Adam.  
5 After Plaintiff's attorney Boskovich contacted Defendants' attorney Groves with these  
6 concerns, Attorney Groves graciously agreed to stipulate to a continuance of the dates.

7 In light of this and both attorneys' calendars, the parties hereby stipulate to continue  
8 the trial date and related pretrial dates and seek the Court's approval for the same.

9 The current trial and pretrial dates are as follows:

|    |                            |                                |
|----|----------------------------|--------------------------------|
| 10 | Expert Disclosures due:    | July 9, 2010                   |
| 11 | Close of Fact Discovery:   | July 23, 2010                  |
| 12 | Close of Expert Discovery: | July 30, 2010                  |
| 13 | Pre-Trial Conference:      | September 17, 2010 at 11:00 am |
| 14 | Jury Selection:            | October 15, 2010               |
| 15 | Jury Trial:                | October 18, 2010               |

16 The parties seek the following new schedule:

|    |                            |                          |
|----|----------------------------|--------------------------|
| 17 | Expert Disclosures due:    | March 4, 2011            |
| 18 | Close of Fact Discovery:   | April 8, 2011            |
| 19 | Close of Expert Discovery: | April 22, 2011           |
| 20 | Pre-Trial Conference:      | May 13, 2011 at 11:00 am |
| 21 | Jury Selection:            | May 20, 2011             |
| 22 | Jury Trial:                | May 23, 2011             |

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BOSKOVICH & APPLETON

Dated: August 24, 2010

/s/ Anthony Boskovich  
ANTHONY BOSKOVICH  
Attorney at Law

Attorney for Plaintiff,  
JERMAINE MONTIEL

Dated: August 24, 2010

RICHARD DOYLE, City Attorney

By: /s/ Michael R. Groves  
MICHAEL R. GROVES  
Sr. Deputy City Attorney

Attorney for Defendants,  
CITY OF SAN JOSE, ROBERT DAVIS,  
OFFICER MATTHEW WILLIAMS,  
SERGEANT CARLTON SHEPPARD,  
OFFICER JUAN HERNANDEZ, and  
OFFICER GERARDO RODRIGUEZ

**ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:**

I attest that concurrence in the filing of this document by the signatories, Michael Groves and Anthony Boskovich, has been obtained, and that a record of the concurrence shall be maintained at the Office of the City Attorney.

Dated: August 24, 2010

By: /s/ Michael R. Groves  
MICHAEL R. GROVES

**IT IS SO ORDERED.**

Dated: 8/25/10

  
HON. JEREMY FOGEL  
United States District Court Judge