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10 Attorneys for Defendants,
 11 CITY OF SAN JOSE, ROBERT DAVIS, OFFICER CHRISTOPHER CRUZADO,
 12 OFFICER THOM RODGERS, SERGEANT AL FERLA, OFFICER TOM
 13 TIPHAYACHAN, OFFICER MIKE NASCIMENTO, OFFICER MICHAEL
 14 TRUDEAU, wrongfully sued herein as Officer Trudo, and OFFICER DARIO
 15 ESTRABAO, wrongfully sued herein as Officer Dario

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23 Attorney for Plaintiff,
 24 GERARDO MONTOYA

25 UNITED STATES DISTRICT COURT
 26 NORTHERN DISTRICT OF CALIFORNIA

27 GERARDO MONTOYA,
 28 Plaintiff,

vs.

CITY OF SAN JOSE, ROBERT DAVIS,
 OFFICER CHRISTOPHER CRUZADO,
 OFFICER THOM RODGERS,
 SERGEANT AL FERLA, OFFICER TOM
 TIPHAYACHAN, OFFICER MIKE
 NASCIMENTO, OFFICER MICHAEL
 TRUDEAU, wrongfully sued herein as
 Officer Trudo, and OFFICER DARIO
 ESTRABAO, wrongfully sued herein as
 Officer Dario, et al.,
 Defendants.

CASE NO.: C08-00820 JF

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING TRIAL AND
 RELATED DATES**

Trial Date: September 12, 2011
 Judge: Hon. Jeremy Fogel
 Courtroom: 3

1 The parties to this action, by and through their attorneys of record, Steve Dippell for
2 Defendants and Anthony Boskovich for Plaintiff, hereby stipulate as follows:

3 This case is currently set for trial on September 12, 2011. However, the attorney with
4 primary responsibility for the case at the Office of the City Attorney, Michael Groves, has
5 recently retired, and this case has been reassigned to Steve Dippell.

6 The parties herewith jointly request a continuance of the trial and related dates, to
7 give the defendants' new counsel time to become familiar with the case, and the parties
8 thereafter an opportunity to attempt to agree upon measures that will at least narrow the
9 scope of the case.

10 The current trial and pretrial dates are as follows:

11	Expert Disclosures due:	July 15, 2011
12	Close of Fact Discovery:	July 29, 2011
13	Close of Expert Discovery:	August 5, 2011
14	Last Day for Dispositive Motions:	August 12, 2011
15	Pre-Trial Conference:	September 2, 2011 at 11:00 am
16	Jury Selection:	September 9, 2011 at 1:30 pm
17	Jury Trial:	September 12, 2011

18 The parties seek the following new schedule:

19	Expert Disclosures due:	July 13, 2012
20	Close of Fact Discovery:	July 27, 2012
21	Close of Expert Discovery:	August 2, 1012
22	Last Day for Dispositive Motions to be heard:	August 9, 2012
23	Pre-Trial Conference:	August 31, 2012
24	Jury Selection:	September 7, 2012
25	Jury Trial:	September 10, 2012

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1 Dated: June 21, 2011

BOSKOVICH & APPLETON

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/s/ Anthony Boskovich
ANTHONY BOSKOVICH
Attorney at Law

Attorney for Plaintiff,
GERARDO MONTOYA

7 Dated: June 21, 2011

RICHARD DOYLE, City Attorney

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By: /s/ Steven B. Dippell
STEVEN B. DIPPELL
Sr. Deputy City Attorney

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Attorney for Defendants,
CITY OF SAN JOSE, ROBERT DAVIS,
OFFICER CHRISTOPHER CRUZADO,
OFFICER THOM RODGERS, SERGEANT
AL FERLA, OFFICER TOM TIPHAYACHAN,
OFFICER MIKE NASCIMIENTO, OFFICER
MICHAEL TRUDEAU, and OFFICER DARIO
ESTRABAO

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17 ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

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

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22 Dated: June 21, 2011

By: /s/ Steven B. Dippell
STEVEN B. DIPPELL

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25 **IT IS SO ORDERED.**

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27 Dated: 6/23/11


HON. JEREMY FOGEL
United States District Court Judge

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