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 7 AND ASBAN

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11 Attorney for Plaintiff Gary H. Kidgell



14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

19 GARY H. KIDGELL,
 20 Plaintiff,
 21 v.
 22 COUNTY OF SANTA CLARA, et al.,
 23 Defendants.

No.: C 08-03396 JW
**STIPULATION AND REQUEST FOR
 ORDER CHANGING TIME FOR IN
 LIMINE MOTIONS**

25 Plaintiff Gary H. Kidgell (“Plaintiff”) and Defendants Sergeants Joseph Lopez and
 26 Michael Morin, and Officers Elmer Wheeler, Jon Quiro, Andrew Cunningham, Anthony Taiariol,
 27 Robert Roggy, Lynda Rhodes, Myrna Helikson, and Michelle Asban (“Defendants”) respectfully
 28 submit this stipulated Request for Order Changing Time for In Limine Motions, and jointly

1 request this Court to reset the due date for any in limine motions to March 25, 2011. The
2 opposition briefs are to be filed in writing and served no later than ten (10) days after the opening
3 briefs have been filed and served. This Stipulation is supported by the Declaration of Sayuri K.
4 Sharper which is filed herewith.

5 **DECLARATION OF SAYURI SHARPER IS SUPPORT OF REQUEST**

6 I, Sayuri K. Sharper, declare as follows:

- 7 1. I am a volunteer attorney at Pro Bono Project Silicon Valley, and am licensed to
8 practice in all the courts of the State of California. I represent Plaintiff Gary H. Kidgell.
- 9 2. The parties jointly request this Court to reset the due date for in limine motions to
10 March 25, 2011 in consideration for Plaintiff's Counsel's vacation schedule.
- 11 3. According to the Preliminary Pretrial Conference Scheduling Order (Docket Item
12 No. 113), the in limine motions are due on April 1, 2011, and the opposition briefs are due ten (10)
13 days thereafter.
- 14 4. As set forth in the parties' Joint Preliminary Pretrial Conference Statement (Docket
15 Item No. 112), Plaintiff's Counsel is on vacation from April 6 through 22, 2011.

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1 5. The current schedule does not permit Plaintiff's Counsel adequate time to draft and
2 file opposition briefs if Defendants file in limine motions on April 1, 2011. Changing the due date
3 to March 25, 2011 will cure this problem, with no impact to the rest of the trial schedule as
4 outlined in this Court's Scheduling Order.

5 DATED: February 11, 2011

Respectfully submitted,

MIGUEL MÁRQUEZ
Acting County Counsel

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9 By: /S/
NEYSA A. FLIGOR
Deputy County Counsel

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11 Attorneys for Defendants
OFFICERS WHEELER, QUIRO,
12 CUNNINGHAM, TAIARIOL, LOPEZ,
MORIN, ROGGY, RHODES, HELIKSON,
13 AND ASBAN

14 DATED: February 11, 2011

PRO BONO PROJECT SILICON VALLEY

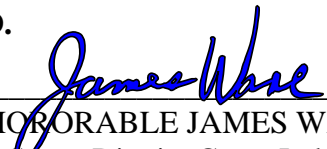
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16 By: /s/ Sayuri K. Sharper
Sayuri K. Sharper
17 Attorney for Plaintiff Gary H. Kidgell

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19 **ORDER**

20 Pursuant to the above stated stipulation by the parties, the due date for in limine motions is
21 reset to March 25, 2011. All other dates set forth in the Court's Preliminary Pretrial Conference
22 Scheduling Order remain the same.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Dated: February 15, 2011


25 THE HONORABLE JAMES WARE
United States District Court Judge