

1 M. Jeffery Kallis, SBN 190028
 2 THE LAW FIRM OF KALLIS & ASSOCIATES, P.C.
 3 333 W. San Carlos St., 8th Floor
 4 San Jose, CA 95110
 Telephone: (408) 971-4655
 Facsimile: (408) 971-4644
 M_J_Kallis @Kallislaw.org

5 Andrew V. Stearns, SBN 164849
 Steven M. Berki, SBN 245426
 6 BUSTAMANTE, O'HARA & GAGLIASSO, P.C.
 7 333 W. San Carlos St., 8th Floor
 San Jose, California 95110
 Telephone: (408) 977-1911
 8 Facsimile: (408) 977-0746
 astearns@hoglawyers.com
 9 sberki@hoglawyers.com

E-FILED - 2/2/10

10 Attorneys for Plaintiffs
 Russell Cole and Stephanie Oberg

11
 12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 RUSSELL COLE, an individual;	)	Case No. C-08-05017 RMW (PVT)
)	
16 STEPHANIE OBERG, an individual,	)	STIPULATION CONCERNING REQUEST
	)	FOR REFERREL TO MAGISTRATE
17 Plaintiffs,	)	JUDGE FOR SETTLEMENT
	)	CONFERENCE PURPOSES.
18 vs.	)	[ADR Local Rule 7]. AND ORDER
)	
19 CITY OF SUNNYVALE, et al.,	)	Date: January 26, 2010
	)	Division: San Jose Division
20 Defendants.	)	Dept.: 6, Fourth Floor
	)	Judge: Hon. Ronald Whyte
)	
)	

23 //

1 WHEREAS, the Court filed its *Clerk's Notice* on January 12, 2010 thereby vacating
2 the settlement conference previously scheduled for January 29, 2010 due to the
3 confirmation of Judge Richard Seeborg as District Judge of the United States District Court
4 for the Northern District of California.

5 WHEREAS, the parties have been instructed to request a referral by the presiding
6 judge to a different magistrate judge for settlement purpose.

7 WHEREAS, all parties reside within the County of Santa Clara making the United
8 States District Court for the Northern District of California, San Jose Division the proper
9 forum.

10 WHEREAS, the original Complaint and all subsequent pleadings were filed with the
11 San Jose Division of the above-referenced Court.

12 WHEREAS, all material witnesses reside in the County of Santa Clara; all pertinent
13 facts and circumstances arose within the County of Santa Clara; and all previous
14 appearances took place at the Northern District Court of California, San Jose Division.

15 WHEREAS, the assigned presiding judge is the Honorable Ronald M. Whyte and the
16 referred discovery judge is the Honorable Patricia V. Trumbull.


17 //

18
19
20
21
22
23
24
25
26
27
28

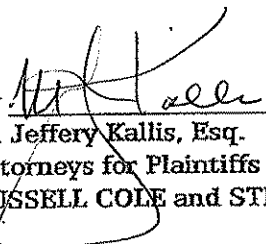
1 NOW THEREFORE, the parties hereby agree and stipulate to the referral to a
2 magistrate judge within the San Jose Division of the above-referenced Court for settlement
3 conference purposes.

4 The parties agree to provide settlement conference dates upon referral by the
5 presiding judge.

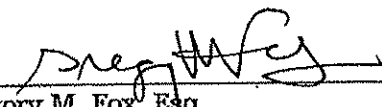
6
7 Dated: January 26, 2010

BUSTAMANTE O'HARA & GAGLIASSO
By 
Andrew V. Stearns, Esq.
Steven M. Berki, Esq.
Attorneys for Plaintiffs
RUSSELL COLE and STEPHANIE OBERG

8
9
10
11
12
13 Dated: January 26, 2010

KALLIS & ASSOCIATES
By 
M. Jeffery Kallis, Esq.
Attorneys for Plaintiffs
RUSSELL COLE and STEPHANIE OBERG

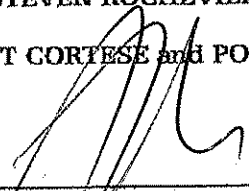
14
15
16
17
18 Dated: January 26, 2010

BERTRAND FOX & ELLIOT
By 
Gregory M. Fox, Esq.
Martine D'Agostino
Attorneys for Defendants
CITY OF SUNNYVALE, ET AL.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL ORDER 45(X)(B) STATEMENT

Pursuant to General Order No. 45(X)(b), I hereby attest that concurrence in this filing of this document has been obtained from Counsel Defendants CITY OF SUNNYVALE, POLICE CHIEF DON JOHNSON, POLICE OFFICER STEVEN ROCHEVILLE, POLICE LIETENANT TRACY HERN, POLICE OFFICER SCOTT CORTESE and POLICE CAPTAIN KELLY FITZGERALD.

By 

Andrew V. Stearns, Esq.

1 |XXXXXXXXXX| ORDER

2 | The Court, having considered the parties' Stipulation and finding good cause
3 | therefore, hereby orders:

4 | 1. The Parties are hereby referred to [Magistrate Judge Patricia
5 | V. Trumbull] or [Magistrate Judge Howard R. Lloyd] of the Northern District Court of
6 | California, San Jose Division, for settlement conference purposes.

7 | 2. The Parties are hereby ordered to schedule a settlement conference
8 | date with the assigned Magistrate Judge as soon as possible

9 |
10 | IT IS SO ORDERED.

11 | Dated: 2/2/10

By Ronald M. Whyte

United States District Court Judge

12 |
13 | *The parties are hereby referred to Magistrate Trumbull for a settlement conference.
14 | The parties are directed to contact chambers for an available date.