Gregory M. Fox, State Bar No. 070876 Dana L. Soong, State Bar No. 168160 2 BERTRAND, FOX & ELLIOT The Waterfront Building 3 2749 Hyde Street San Francisco, California 94109 \*E-FILED - 6/23/10\* 4 Telephone: (415) 353-0999 Facsimile: (415) 353-0990 5 Attorneys for Defendants CITY OF SUNNYVALE, 6 CHIEF DON JOHNSON, OFFICER STEVEN ROCHEVILLE, LIEUTENANT TRACY HERN, OFFICER SCOTT CORTESE, 7 And CAPTAIN KELLY FITZGERALD 8 UNITED STATE DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 RUSSELL COLE and STEPHANIE OBERG, 11 Case No.: C08-05017 RMW 12 Plaintiffs. STIPULATION AND [] ORDER CONTINUING CASE MANAGEMENT VS. 13 **CONFERENCE** SUNNYVALE, CHIEF DON JOHNSON, 14 OFFICER STEVEN ROCHEVILLE, LIEUTENANT TRACY HERN, OFFICER 15 SCOTT CORTESE, and CAPTAIN KELLY FITZGERALD, 16 Defendants. 17 18 The parties, acting by and through their respective legal counsel, herein stipulate for an Order 19 continuing the Case Management Conference presently set for Friday, July 23, 2010 to Friday. August 27, 2010 at 10:30 a.m. in Courtroom 6, 4th Floor of the U.S. District Courthouse located at 20 21 280 S. 1<sup>st</sup> St., Rm. 2112, San Jose, California. Good cause exists to move the Case Management 22 Conference for the following reasons. 23 Defense counsel Gregory M. Fox is scheduled to depart on a prearranged vacation on that 24 date. 25 Counsel have met and conferred on the August 27, 2010 date and the Court has also indicated 26 that this date is available for the Honorable Ronald M. Whyte. 27 /// 28 /// STIPULATION AND [] ORDER CONTINUING CASE MANAGEMENT CONFERENCE

Cole et al v. Rocheville et al

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1	So Stipulated:	
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3	Dated: June 9, 2010	BERTRAND, FOX & ELLIOT
4		
5		By:/s/ Gregory M. Fox
6		Dana Soong
7		Attorneys for Defendants City of Sunnyvale, Chief Don Johnson, Officer Steven Rocheville,
8		Lieutenant Tracy Hern, Officer Scott Cortese, and Captain Kelly Fitzgerald
9		
10	Dated: June 10, 2010	KALLIS & ASSOCIATES P.C.
11		By:
12		Jeffrey Kallis
13		Attorneys for Plaintiffs Russell Cole and Stephanie Oberg
		Russen Cole and Stephanie Oberg
14	Dated: June 10, 2010	BUSTAMANTE O'HARA & GAGLIASSO
15		Rv: /c/
16		By:/s/ Andrew V. Stearns
17		Ignacio G. Camarena II
1.0		Steven M. Berki
18		Attorneys for Plaintiffs
19		Russell Cole and Stephanie Oberg
20	ATTORNEY ATTESTATION	
21	I hereby attest that I have on file all holograph signatures for any signatures indicated by a	
22	"conformed" signature (/s/) within this E-filed document.	
23		
24	Dated: June 10, 2010	Gregory M. Fox
25		
26		
27		
28		

1		<u>ORDER</u>	
2	The Case Management Conference in the above entitled case shall be continued from July 2		
3	2010 to August 27, 2010. Counsel shall submit an updated joint statement one week prior.		
4	IT IS SO ORDERED.		
5	6/22/10	Monald M. Whyte UNITED STATES DISTRICT COURT JUDGE	
6	Dated:	UNITED STATES DISTRICT COURT JUDGE	
7		CHILD STITLES DISTRICT COCKT VCD CL	
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