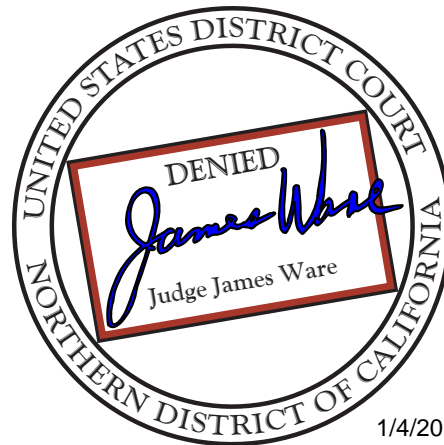


1 #65912-3-104
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 6 DEPARTMENT, CHIEF GREGG
 GIUSIANA (Retired), SERGEANT
 7 CHAD GALLACINAO, CORPORAL JIM
 CALLAHAN



1/4/2011

9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

13 GERALDINE MALDONADO, et al.) No. C08-05642 JW
 14 Plaintiffs,)
 15 v.) STIPULATION AND [PROPOSED] ORDER
 16 CITY OF GILROY, et al.) TO EXTEND DEADLINES
 17 Defendants.)

18 The parties hereby stipulate and agree, through their counsel of record, as follows:

- 19 1. Attorney Carol Millie has been appointed by the Court to serve as the Early Neutral
 20 Evaluator in this matter. By virtue of the date of her appointment, the parties are to complete
 21 the Early Neutral Evaluation on or before January 13, 2011. However, for reasons that are
 22 unclear, when Ms. Millie scheduled the initial phone conference with all counsel, neither
 23 counsel received any actual notification of same, and the processing of the ENE has been
 24 delayed by vacations and the holidays.
- 25 2. Due to scheduling conflicts amongst the calendars of the Early Neutral Evaluator,
 26 counsel, parties, and representatives, it appears to be impractical to schedule a meaningful ENE
 27 before the January 13 date. Further, the parties, through their counsel, have been discussing the
 28

1 possibility of having Ms. Millie conduct the ENE more as a mediation, to see if an amicable
2 resolution can be reached at the ENE/mediation, with persons present with authority to
3 negotiate a compromise.

4 3. In light of the foregoing, the parties agree that the an extension of the existing deadlines
5 in this case will promote efficiency in the management of this matter and would promote the
6 potential for the amicable resolution of this action.

7 4. Further, in light of the foregoing, the parties agree and request that the deadline for
8 completion of the ENE/mediation, and the close of regular discovery, both be extended by
9 forty-five (45) days. Therefore, the parties stipulate, and request that the Court order, that the
10 parties shall have an additional forty-five (45) days to complete the ENE/mediation, up through
11 and including February 28, 2011, and an additional forty-five (45) days to complete regular
12 discovery, currently set for February 28, 2011, up through and including April 12, 2011.

13 5. That the Pre-Trial Conference, currently scheduled for January 31, 2011 at 11:00 a.m. be
14 reset by the Court, for a date convenient with the Court's schedule.

15
16 Respectfully submitted,

17
18 Dated: January 3, 2011

BURTON, SCHMAL & DiBENEDETTO, LLP

19
20 By: /SIGNATURE ON FILE/
TIMOTHY J. SCHMAL
21 Attorneys for Defendants, CITY OF GILROY,
SERGEANT GALLACINAO, CORPORAL
22 CALLAHAN, POLICE CHIEF GREGG GIUSIANA

23 Dated: January 3, 2011

LIVINGSTON LAW FIRM

24
25 By: /SIGNATURE ON FILE/
CRAIG A. LIVINGSTON
26 Attorneys for Plaintiffs, GERALDINE MALDONADO,
PRISCILLA MALDONADO, M.M., a minor,
27 by and through Guardian Ad Litem, Miguel Maldonado.
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ORDER

The Court does not find good cause to extend the deadlines as requested because this is a 2008 case and discovery has recently been lifted to advance the case. There is no reason why ENE and discovery cannot proceed on a parallel track.

DATED: January 4, 2011



JAMES WARE
United States District Judge