1 2 3 4 5 6 7 8	#65912-3-104 Timothy J. Schmal, Esq. BURTON, SCHMAL & DiBENEDETTO, LLP 133 Mission Street, Suite 102 Santa Cruz, California 95060 Telephone: (831) 425-5023 Facsimile: (831) 427-3159  Attorneys for Defendants, CITY OF GILROY, GILROY POLICE DEPARTMENT, CHIEF GREGG GIUSIANA (Retired), SERGEANT CHAD GALLACINAO, CORPORAL JIM CALLAHAN
9	IN THE UNITED STATES DISTRICT COURT
10	FOR THE NORTHERN DISTRICT OF CALIFORNIA
11	SAN JOSE DIVISION
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13	GERALDINE MALDONADO, et al. ) No. C08-05642 JW
14	Plaintiffs, ) STIPULATION AND [PROPOSED] ORDER RE: MEDIATION IN LIEU OF
15	v. ) ENE AND RESETTING COURT ) CONFERENCE
16	CITY OF GILROY, et al.
17	Defendants.
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20	In light of the Court's Order of January 4, 2011, wherein the Court indicated that
21	"[t]here is no reason why ENE and discovery cannot proceed on a parallel track":
22	The parties hereby stipulate and agree, through their counsel of record, as follows:
23	1. Attorney Carol Millie has been appointed by the Court to serve as the Early Neutral
24	Evaluator in this matter. The parties herein, through their counsel of record, hereby stipulate
25	that this matter be reassigned from ENE to mediation, and that Carol Millie's role in this matter
26	be changed from Early Neutral Evaluator to Mediator, to which Ms. Millie has agreed.
27	2. The initial session of mediation has been scheduled by Ms. Millie for January 27, 2011,
28	and the Court.

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1	3. The parties, through their counsel of record, would request that the ADR completion
2	deadline be extended through and including February 28, 2011, in case an additional mediation
3	session should be required, or should the January 27, 2011 mediation get reset based on
4	circumstances not presently foreseeable.
5	4. That the Pre-Trial Conference, currently scheduled for January 31, 2011, at 11:00 a.m.,
6	be reset by the Court, for a date after the completion of ADR, convenient with the Court's
7	schedule.
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10	Respectfully submitted,
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12	Dated: January, 2011 BURTON, SCHMAL & DiBENEDETTO, LLP
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14	By: <u>/SIGNATURE ON FILE/</u> TIMOTHY J. SCHMAL
15	Attorneys for Defendants, CITY OF GILROY, SERGEANT GALLACINAO, CORPORAL
16	CALLAHAN, POLICE CHIEF GREGG GIUSIANA
17	Dated: January, 2011 LIVINGSTON LAW FIRM
18	Dated. January, 2011
19	By: /SIGNATURE ON FILE/
20	CRAIG A. LIVINGSTON Attorneys for Plaintiffs, GERALDINE MALDONADO,
21	PRISCILLA MALDONADO, M.M., a minor, by and through Guardian Ad Litem, Miguel Maldonado.
22	by and through Guardian Ad Litem, Wilguer Waldonado.
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24	<u>ORDER</u>
25	For good cause shown, the Court GRANTS the parties' Stipulation. This matter is
26	reassigned from ENE to mediation. The Court Attorney hereby been appoints Carol Millie as
27	Mediator, and vacates her appointment to serve as the Early Neutral Evaluator in this matter.
28	The deadline to complete mediation is February 28, 2011. Additionally, the Pre-Trial

1	Conference, currently scheduled for January 31, 2011 at 11:00 a.m. is hereby rescheduled to
2	March 14,, 2011 at10:00 AM
3	IT IS SO ORDERED. On or before Moreh 4, 2011, the parties shall file a Joint Protried Statement. The Statement shall
4	On or before <b>March 4, 2011</b> , the parties shall file a Joint Pretrial Statement. The Statement shall include, <i>inter alia</i> , an update on mediation efforts and a good faith proposed schedule for trial.
5	DATED: January 14, 2011
6	MES WARE united States District Chief Judge
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