

1 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  
 4 Telephone: (415) 353-0999  
 Facsimile: (415) 353-0990  
 5

6 Attorneys for Defendants  
 CITY OF SUNNYVALE,  
 CHRIS SEARLE and DARREN PANG  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION  
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11 ERIKA CANAS, JOSE CANAS, a minor, by  
 and through his guardian ad litem, and JESUS  
 12 CANAS, by and through his guardian ad litem,

13 Plaintiffs,

14 vs.

15 CITY OF SUNNYVALE, CHRIS SEARLE,  
 DARREN PANG and DOES ONE through  
 16 TWENTY-FIVE,

17 Defendants.

Case No.: C08-05771 JF

**STIPULATION AND [PROPOSED] ORDER  
 TO CONTINUE TIME FOR EARLY  
 NEUTRAL EVALUATION**

18 IT IS HEREBY STIPULATED by the parties hereto, through their respective undersigned  
 19 attorneys of record, that the date and time for completion of the Early Neutral Evaluation be  
 20 continued to November 27. An initial ENE session was held on October 6. The parties and evaluator  
 21 agreed the parties should exchange discovery and hold a second session on November 20. Good  
 22 cause is shown as the parties are in the process of agreeing upon a protective order to be submitted to  
 23 the court. Once said protective order is entered by the court, discovery will proceed. In order to  
 24 allow for a meaningful analysis of the case, it is preferable that the parties have an opportunity to  
 25 review the documents before the continued ENE. Thus, a continuance until November 27 for the  
 26 date and time to conduct ENE will allow such review to take place.  
 27  
 28

1 Dated: October 9, 2009

BERTRAND, FOX & ELLIOT

2  
3 By: \_\_\_\_\_ /s/

4 Gregory M. Fox  
5 Attorneys for Defendants  
6 CITY OF SUNNYVALE, CHRIS SEARLE and  
7 DARREN PANG

8 Dated: October 9, 2009

ROBERTS & ELLIOT LLP

9 By: \_\_\_\_\_ /s/

10 James Roberts, Esq.

11 Sharmi Shah, Esq.  
12 Attorneys for Plaintiffs  
13 ERIKA CANAS, JOSE CANAS, and JESUS CANAS

14 **ORDER**

15 Good cause appearing,

16 THE STIPULATION IS SO ORDERED.

17 Dated: 10/22, 2009

18   
19 \_\_\_\_\_  
20 Hon. Jeremy Fogel  
21 UNITED STATES DISTRICT COURT JUDGE

22 **ATTORNEY ATTESTATION**

23 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
24 conformed signature (“/s/”) within this E-filed document.

25 Dated: October 13, 2009

26 \_\_\_\_\_ /s/  
27 Gregory M. Fox