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5 Attorneys for Plaintiffs

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 7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10
 11 MARLO CUSTODIO, ROMEL)
 CUSTODIO, MARILOU CUSTODIO, and)
 12 OSCAR "O.J." CUSTODIO, JR.,)

Case No. C09-00527 RMW

13 Plaintiffs,

) **STIPULATION AND []**
) **ORDER TO CONTINUE EARLY NEUTRAL**
) **EVALUATION CONFERENCE**
) **COMPLETION DEADLINE**

14 v.

15 THE COUNTY OF SANTA CLARA,)
 CALIFORNIA, THE CITY OF SAN JOSE,)
 16 POLICE CHIEF ROBERT DAVIS,)
 individually and in his official capacity as)
 17 Chief of the San Jose Police Department,)
 SAN JOSE POLICE DEPARTMENT)
 18 SERGEANT EVANS (Badge #2339),)
 individually and in his official capacity as a)
 19 supervisory police officer for the CITY OF)
 SAN JOSE, SAN JOSE POLICE)
 20 DEPARTMENT OFFICERS EPP (Badge)
 #3048), individually and in his capacity as a)
 21 police officer for the CITY OF SAN JOSE,)
 MORASCI (Badge #3292), individually and)
 22 in his capacity as a police officer for the)
 CITY OF SAN JOSE, TRAN (Badge)
 23 #3269), individually and in his capacity as a)
 police officer for the CITY OF SAN JOSE,)
 24 UNGER (Badge #3080), individually and in)
 his capacity as a police officer for the CITY)
 25 OF SAN JOSE, DEMARIA (Badge #3728),)
 individually and in his capacity as a police)
 26 officer for the CITY OF SAN JOSE,)
 JEFFREY (Badge #3715), individually and)
 27 in his capacity as a police officer for the)
 CITY OF SAN JOSE, CRAWLEY (Badge)
 28 #3357), individually and in his capacity as a)

1)
2 police officer for the CITY OF SAN JOSE,)
3 PURNELL (Badge #3627), individually and)
4 in his capacity as a police officer for the)
5 CITY OF SAN JOSE, CAHILL (Badge)
6 #3357) and BARRY (Badge #3703),)
7 individually and in his capacity as a police)
8 officer for the CITY OF SAN JOSE, and)
9 DOES ONE through FIFTY,)
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Defendants.)

7 Pursuant to Northern District Local Rule 7-12, by and through their respective counsel,
8 Plaintiffs MARLO CUSTODIO, ROMEL CUSTODIO, MARILOU CUSTODIO, and OSCAR “O.J.”
9 CUSTODIO, JR. (hereinafter “Plaintiffs”); Defendant THE COUNTY OF SANTA CLARA,
10 CALIFORNIA; and Defendants THE CITY OF SAN JOSE, POLICE CHIEF ROBERT DAVIS,
11 individually and in his official capacity as Chief of the San Jose Police Department, SAN JOSE
12 POLICE DEPARTMENT SERGEANT EVANS (Badge #2339), individually and in his official
13 capacity as a supervisory police officer for the CITY OF SAN JOSE, SAN JOSE POLICE
14 DEPARTMENT OFFICERS EPP (Badge #3048), individually and in his capacity as a police officer
15 for the CITY OF SAN JOSE, MORASCI (Badge #3292), individually and in his capacity as a police
16 officer for the CITY OF SAN JOSE, TRAN (Badge #3269), individually and in his capacity as a
17 police officer for the CITY OF SAN JOSE, UNGER (Badge #3080), individually and in his capacity
18 as a police officer for the CITY OF SAN JOSE, DEMARIA (Badge #3728), individually and in his
19 capacity as a police officer for the CITY OF SAN JOSE, JEFFREY (Badge #3715), individually and
20 in his capacity as a police officer for the CITY OF SAN JOSE, CRAWLEY (Badge #3357),
21 individually and in his capacity as a police officer for the CITY OF SAN JOSE, PURNELL (Badge
22 #3627), individually and in his capacity as a police officer for the CITY OF SAN JOSE, CAHILL
23 (Badge #3357) and BARRY (Badge #3703), individually and in his capacity as a police officer for the
24 CITY OF SAN JOSE (hereinafter collectively “Defendants”), hereby stipulate to continue the Early
25 Neutral Evaluation Conference completion deadline.

26 WHEREAS, on June 30, 2009, the Court entered a Reassignment Order reassigning this case
27 to the Honorable Ronald M. Whyte;
28

1 WHEREAS, on October 2, 2009, during the Initial Case Management Conference, the Court
2 set a hearing on Defendant County of Santa Clara's Motion to Sever for December 4, 2009 at 9:00
3 a.m. and instructed plaintiffs and defendant County to also address the issue of whether a stay of the
4 action should be entered;

5 WHEREAS, the Early Neutral Evaluation Conference in this matter was originally scheduled
6 for October 1, 2009, then continued to October 8, 2009, and has a current completion deadline of
7 November 10, 2009;

8 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND JOINTLY REQUEST,
9 as follows:

10 That the Early Neutral Evaluation Conference completion deadline be continued from
11 November 10, 2009, to a mutually agreeable date in February 2010.

12 SO REQUESTED AND STIPULATED:

13
14 Dated: October 9, 2009

GROSS BELSKY ALONSO LLP

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17 By: /s/ Monique Alonso
18 Monique Alonso
Attorneys for Plaintiffs

19 Dated: October 9, 2009

OFFICE OF THE CITY ATTORNEY

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21
22 By: /s/ Michael J. Dodson
23 Michael J. Dodson
Attorneys for Defendants

24 Dated: October 9, 2009

THE COUNTY OF SANTA CLARA

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27 By: /s/ Aryn Paige Harris
28 Aryn Paige Harris
Attorneys for Defendant

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DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel for Defendants, Michael J. Dodson and Aryn Paige Harris.

Dated: October 9, 2009

By: /s/ Monique Alonso

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ORDER

PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.

Dated: 11/16/09



The Honorable Ronald M. Whyte
Judge of the United States District Court

1 **CERTIFICATE OF SERVICE**

2 **RE: *Marlo Custodio et. al., v. The County of Santa Clara, California, et al.,***
3 **Case No. C09-00527 RMW**

4 I am a citizen of the United States and employed in the County of San Francisco, State of California.
5 I am over eighteen (18) years of age and not a party to the above-entitled action. My business address
6 is GROSS BELSKY ALONSO LLP, 180 Montgomery Street, Suite 2200, San Francisco, CA, 94104.
On the date set forth below, I served the following documents in the manner indicated on the below
named parties and/or counsel of record:

7 • **STIPULATION AND [PROPOSED] ORDER TO CONTINUE EARLY NEUTRAL
8 EVALUATION CONFERENCE COMPLETION DEADLINE**

9 _____ **U.S. Mail**, with First Class postage prepaid and deposited in a sealed envelope at San
10 Francisco, California. I am readily familiar with the firm's practice for the collection and
11 processing of correspondence for mailing with the United States Postal Service, and said
12 correspondence would be deposited with the United States Postal Service at San Francisco,
California that same day in the ordinary course of business.

13 _____ **Facsimile** transmission from (415) 544-0201 during normal business hours, complete and
14 without error on the date indicated below, as evidenced by the report issued by the transmitting
15 facsimile machine.

16 **XX** **By ECF:** I caused the aforementioned documents to be filed via the Electronic Case Filing
17 (ECF) system in the United States District Court for the Northern District of California, on all
18 parties registered for e-filing in the Docket Number C 09-00527 PVT.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed on October 9,
20 2009 at San Francisco, California.

21 _____
22 /s/ Jessica Dean
23 JESSICA DEAN