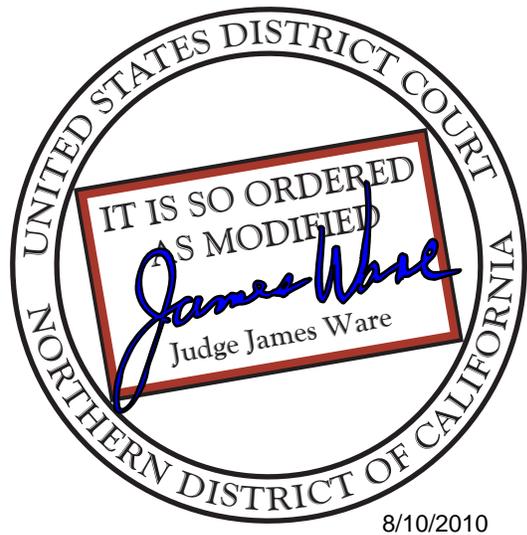


1 #65909-3-104
 2 TIMOTHY J. SCHMAL, ESQ. #104874
 3 BURLEIGH E. SABIN, ESQ. #250185
 4 BURTON, SCHMAL & DiBENEDETTO, LLP
 5 133 Mission Street, Suite 102
 6 Santa Cruz, CA 95060
 7 Phone: (831)425-5023
 8 Facsimile: (831)427-3159



8/10/2010

9 Attorneys for Defendants, CITY OF
 10 GILROY, POLICE CHIEF DENISE TURNER,
 11 CAPTAIN SCOT SMITHEE, OFFICER
 12 RODRIGUEZ, SERGEANT WES STANFORD,
 13 OFFICER JAQUEZ, OFFICER HEATH

14 **IN THE UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN JOSE DIVISION**

17	ESTATE OF GURMIT SINGH, et)	Case No. C09-00740 JW
18	al.)	
19)	STIPULATION AND [PROPOSED]
20	Plaintiffs,)	ORDER TO CONTINUE TRIAL AND
21)	SET POST-ADR CASE MANAGEMENT
22	vs.)	CONFERENCE
23)	
24	CITY OF GILROY, et al.,)	
25)	
26	Defendants.)	Complaint Filed: 2/19/09
27)	Trial Date: 12/8/10
28)	[JURY TRIAL DEMANDED]

29 The parties have conducted extensive discovery in this case,
 30 and such discovery is ongoing. The parties have also repeatedly
 31 met and conferred with regard to discovery, through their counsel,
 32 including expert discovery. This is a highly complex, multi-party
 33 fatal police shooting case.

34 By order issued June 24, 2010, the Court set this matter for
 35 jury trial scheduled to commence on December 8, 2010, with jury
 36 selection set for December 7, 2010, a Final Pretrial Conference set
 37 for November 22, 2010, and associated deadlines. The parties,
 38 through their counsel, filed a Stipulation, on July 12, 2010,

1 jointly requesting a setting of a case management conference in
2 this matter, which the Court denied, without prejudice, by order
3 dated July 19, 2010, asking the parties to specify the purpose of
4 the conference.

5 **ALTERNATIVE DISPUTE RESOLUTION**

6 At an early stage during the pendency of this case, the matter
7 was referred to Alternative Dispute Resolution Administrator Daniel
8 Bowling, who conducted multiple conference calls with all counsel,
9 and filed reports with the Court. The parties through their
10 counsel elected not to hold any formal ADR in this case, and Mr.
11 Bowling confirmed that by his reports to the Court, most recently
12 on December 29, 2009.

13 The parties have now agreed to proceed with private mediation
14 in this case, and, due to availability issues, have not been able
15 to set a date any earlier than October 1. The parties have
16 therefore now set an all-day mediation with San Jose attorney
17 mediator Charlie Hawkins for Friday, October 1, 2010.

18 **REQUEST FOR VACATING OF TRIAL AND RELATED DATES**
19 **AND SETTING OF NEW CASE MANAGEMENT CONFERENCE DATE**

20 In order for the parties to meaningfully explore amicable
21 resolution, through private mediation, the parties hereby request
22 that the Court vacate the December jury trial date, associated
23 conferences and deadlines, and set this matter for a case
24 management conference, for some time after the October 1, 2010
25 private mediation.

26 Date: July 27, 2010

27 /s/ - "Karen L. Snell"
28 KAREN LEIGH SNELL
Attorneys for Plaintiffs,
ESTATE OF GURMIT SINGH, et al.

