LOUIS A. LEONE, ESQ. (SBN: 099874)
KATHERINE A. ALBERTS, ESQ. (SBN: 212825)   **E-Filed 8/25/2009**
STUBBS & LEONE
A Professional Corporation
2175 N. California Blvd., Suite 900
Walnut Creek, CA 94596
Telephone: (925) 974-8600
Facsimile: (925) 974-8601

Attorneys for Defendant
RICHARD WHITMORE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ISAIAH STASSART by ELISE STASSART, Guardian ad Litem, Plaintiffs, vs. BOB CHRISMAN, Superintendent, and LAKESIDE JOINT SCHOOL DISTRICT, and JACK O'CONNELL, State Superintendent California Department of Education, and LAURA GUTIERREZ, Office of Administrative Hearing, and CHARLES WEIS, Santa Clara Office of Education, and JOANNA VANDERMOLEN, Superintendent, Campbell Elementary Union School District, and RICHARD WHITMORE, Superintendent, LOS GATOS UNION SCHOOL DISTRICT, Defendants.	Case No.: **C09 01131 JF HRL** **STIPULATED REQUEST AND [PROPOSED] ORDER CONTINUING INITIAL CASE MANAGEMENT CONFERENCE**

The parties in the above captioned case hereby make this Stipulated Request that the

Court continue the Initial Case Management Conference currently scheduled for August 28,

2009 and all related case management and initial disclosure deadlines on the grounds that as of

August 28, 2009 the defendants' Motions to Dismiss will not have been heard by the Court and

the pleading is this matter will not be settled until some time after the Court issues its rulings on those Motions. Therefore, the parties hereby agree to and stipulate that:

WHEREAS Plaintiff Elise Stassart filed a First Amended Complaint on June 23, 2009;

WHEREAS Defendant Jack O'Connell's Motion to Dismiss is set for hearing on August 14, 2009;

WHEREAS Defendant Richard Whitmore's Motion to Dismiss the First Amended Complaint is set for hearing on September 4, 2009;

WHEREAS Defendant Laura Gutierrez's Motion to Dismiss the First Amended Complaint is set for hearing on September 11, 2009;

WHEREAS Defendants Bob Chrisman, Lakeside Joint School District, Johanna VanderMolen and Charles Weis' Motion to Dismiss the First Amended Complaint and Motion to Strike Portions of the First Amended Complaint are set for hearing on September 11, 2009;

WHEREAS the Initial Case Management Conference in this matter is scheduled for August 28, 2009 – prior to the hearings on the various defendants' Motions to Dismiss and prior to when the parties anticipate the Court will issue a final ruling on Defendant O'Connell's Motion to Dismiss;

WHEREAS the Court's rulings on these Motions could eliminate parties and causes of action and/or require Plaintiff to file another amended complaint;

WHEREAS the parties agree that holding the Initial Case Management Conference and serving Federal Rule of Civil Procedure 26 Initial Disclosures prior to finalizing the pleadings would be a waste of the Court's and the parties' resources;

WHEREAS the parties recognize that the Court's rulings on the Motion to Dismiss the First Amended Complaint may require Plaintiff to file and serve a second amended complaint, which would be subject to further motions by the Defendants;

WHEREAS given the possibility of further amendment and motions, the pleadings in this matter may not be settled for at least 60 days after the Court issues its rulings on the defendants' Motions to Dismiss;

1   NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between

2   the parties, by and through their respective undersigned counsel, that the Case Management

3   Conference currently scheduled for August 28, 2009 and all corresponding deadlines pursuant to

4   Federal Rule of Civil Procedure 26 and related Local Rules should be vacated. The parties

5   request that the Court vacate these dates and continue the Case Management Conference for a

6   date at least 60 days after the Court issues its rulings on Defendants' Motions to Dismiss and

7   Motion to Strike. Furthermore, the parties request that all case management and initial

8   disclosure deadlines as set forth in Federal Rule of Civil Procedure 26 and the related Local

9   Rules be reset in relation to the new Initial Case Management Conference date.

10   IT IS SO STIPULATED.

11

12   Dated: August _12_, 2009   **ELISE STASSART, PRO PER**

13
                                       Elise Stassart
14   _____
                                       ELISE STASSART
15   Plaintiff in pro per

16

17   Dated: August ___, 2009   **STUBBS & LEONE**

18
                                       _____
19   KATHERINE A. ALBERTS, ESQ.
                                       Attorney for Defendant
20   RICHARD WHITMORE

21

22   Dated: August ___, 2009   **FAGAN, FRIEDMAN & FULFROST, LLP**

23
                                       _____
24   DOUGLAS N. FREFIELD, ESQ.
                                       Attorney for Defendants
25   BOB CHRISMAN, LAKESIDE JOINT SCHOOL
                                       DISTRICT, CHARLES WEIS AND JOHANNA
26   VANDERMOLEN

27   /////

28   /////

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties, by and through their respective undersigned counsel, that the Case Management Conference currently scheduled for August 28, 2009 and all corresponding deadlines pursuant to Federal Rule of Civil Procedure 26 and related Local Rules should be vacated. The parties request that the Court vacate these dates and continue the Case Management Conference for a date at least 60 days after the Court issues its rulings on Defendants' Motions to Dismiss and Motion to Strike. Furthermore, the parties request that all case management and initial disclosure deadlines as set forth in Federal Rule of Civil Procedure 26 and the related Local Rules be reset in relation to the new Initial Case Management Conference date.

IT IS SO STIPULATED.

Dated: August ___, 2009   **ELISE STASSART, PRO PER**

_____
ELISE STASSART
Plaintiff in pro per

Dated: August 13, 2009   **STUBBS & LEONE**

 /s/ Katherine A. Alberts
KATHERINE A. ALBERTS, ESQ.
Attorney for Defendant
RICHARD WHITMORE

Dated: August 13, 2009   **FAGEN, FRIEDMAN & FULFROST, LLP**

 /s/ Douglas N. Freifeld
DOUGLAS N. FREIFELD, ESQ.
Attorney for Defendants
BOB CHRISMAN, LAKESIDE JOINT SCHOOL
DISTRICT, CHARLES WEIS AND JOHANNA
VANDERMOLEN

/////

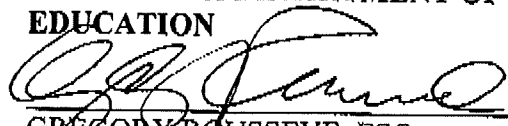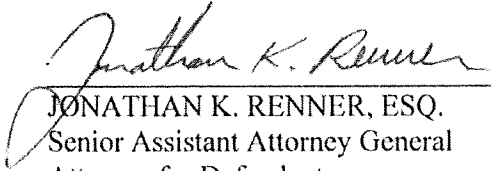/////

Dated: August 12, 2009

CALIFORNIA DEPARTMENT OF EDUCATION

GREGORY ROUSSEVE, ESQ.
Deputy General Counsel
Attorney for Defendant
JACK O'CONNELL

Dated: August ___, 2009

CALIFORNIA ATTORNEY GENERAL

JONATHAN K. RENNER, ESQ..
Senior Assistant Attorney General
Attorney for Defendants
LAURA GUTIERREZ AND OFFICE OF
ADMINISTRATIVE HEARINGS

Dated: August ___, 2009

CALIFORNIA DEPARTMENT OF EDUCATION

_____

GREGORY ROUSSEVE, ESQ.
Deputy General Counsel
Attorney for Defendant
JACK O'CONNELL

Dated: August /2, 2009

CALIFORNIA ATTORNEY GENERAL

_____

JONATHAN K. RENNER, ESQ.
Senior Assistant Attorney General
Attorney for Defendants
LAURA GUTIERREZ AND OFFICE OF
ADMINISTRATIVE HEARINGS

[PROPOSED] ORDER

IT IS HEREBY ORDERED that the Case Management Conference schedule for August 28, 2009 in the above captioned matter is hereby vacated. The Court will reschedule the Case Management Conference for a date at least 60 days after it issues its rulings on the defendants' Motion to Dismiss. Furthermore, all case management and initial disclosure deadlines are also vacated and will be reset in relation to the new Case Management Conference date pursuant to the Federal Rule of Civil Procedure 26 and the related Local Rules.

Dated: August 25, 2009

Hon. Jeremy Fogel
UNITED STATES DISTRICT JUDGE