

1 SHARONROSE CANNISTRACI, CSBN #121827
 Cannistraci Law Firm
 2 16450 Los Gatos Drive, Suite 110
 Los Gatos, CA 95032
 3 Telephone Number: (408) 335-7368
 Facsimile Number: (408) 402-8362
 4 E-Mail Address: sharonrose@cannistracilaw.com

E-Filed 9/27/2010

5 Attorney for Plaintiff

6 RICHARD DOYLE, City Attorney (#88625)
 7 NORA FRIMANN, Assistant City Attorney (#93249)
 MICHAEL J. DODSON, Sr. Deputy City Attorney (#159743)
 8 NKIA D. RICHARDSON, Deputy City Attorney (#193209)
 Office of the City Attorney
 9 200 East Santa Clara Street
 San José, California 95113-1905
 10 Telephone Number: (408) 535-1900
 Facsimile Number: (408) 998-3131
 11 E-Mail Address: cao.main@sanjoseca.gov

12 Attorneys for Defendants

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

15 FARID SHAHRIVAR,
 16 Plaintiff,

Case Number: CV-10-01029 JF

17 v.

**STIPULATION AND [PROPOSED]
 ORDER REGARDING AMENDMENT
 OF COMPLAINT AND MOTION TO
 DISMISS AND RESCHEDULING OF
 CMC AND HEARING**

18 CITY OF SAN JOSE, a municipality;
 19 RODNEY RAPSON, an individual; DAVID
 SYKES, an individual; HARRY FREITAS, an
 20 individual; KATHERINE JENSEN, an
 individual; DAVID PRINTY, an individual;
 21 DANNY TSAO, an individual; KATRINA
 ALLEN, an individual; DOUG BAKER, an
 22 individual; ALEX GURZA, an individual;
 SARAH NUNES, an individual; LES WHITE,
 23 an individual; ALLEN DEMERS, an
 individual; RAJIV DAS, an individual;
 24 ADAM STREMPPEL, an individual; STEVE
 PAGAN, an individual; ANGELA CHEN, an
 25 individual; MARK DANAJ, an individual;
 ROBERT FABELA, an individual; SUSAN
 26 LACY, and DOES 1 through 45, inclusive,

27 Defendants.

28

1 **IT IS HEREBY STIPULATED** by and between the parties hereto, through their respective
2 counsel, that good cause exists for Defendants to withdraw their Motion to Dismiss without
3 prejudice to renew and for the court to vacate the Case Management Hearing currently scheduled to
4 be held on October 15, 2010 at 9 am, pending Plaintiff filing an Amended Complaint for Damages
5 on or before the proposed date below or as otherwise ordered by the court and request the court reset
6 the deadlines and hearings as proposed below or as the court so determines.

7
8 Respectfully submitted,
CANNISTRACI LAW FIRM

9
10 By: /s/ Sharonrose Cannistraci

11 Dated: September 22, 2010

SHARONROSE CANNISTRACI
Attorney for Plaintiff

12
13 Dated: September 22, 2010

RICHARD DOYLE, City Attorney

14
15 By: /s/ Michael J. Dodson
16 MICHAEL J. DODSON
Sr. Deputy City Attorney

17
18 Attorney for Defendants

19 **ORDER**

20 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the relief requested in the
21 parties stipulation above is hereby granted and the Case Management Hearing is vacated and the
22 following dates are hereby ordered by the court:

- | | |
|---|------------------------|
| 23 1. Last Day to File and Serve an amended complaint. | October 8, 2010 |
| 24 2. Last Day for Defendants to respond to the amended complaint
25 by motion or answer. | November 8, 2010 |
| 26 3. Early Case Management Hearing in Courtroom 3, 5th Floor, JF
at 9:00 AM | December 17, 2010 |
| 27 4. Hearing on Defendants' Motion to Dismiss in Courtroom 3, 5th
28 Floor, JF at 9:00 AM | December 17, 2010 |
| 5. Last day to meet and confer re: initial disclosures, early | To be set by the court |

1 settlement, ADR process selection, and discovery plan; file ADR
2 Certification signed by Parties and Counsel; file either Stipulation
3 to ADR Process or Notice of Need for ADR Phone Conference

To be set by the court

4 6. Last day to file Rule 26(f) Report, complete initial disclosures or
5 state objection in Rule 26(f) Report and file Case Management
6 Statement per attached Standing Order re Contents of Joint Case
7 Management Statement

To be set by the court

8 7. Case Management Hearing in Courtroom 3, 5th Floor, JF at 9:00
9 AM

10 Dated: 9/27/2010

11 
12 HON. JEREMY FOGEL
13 United States District Court Judge