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CATHLEEN R.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

CAYLA R., by and through her
Conservator, CATHLEEN R.

Plaintiffs,
vs.

MORGAN HILL UNIFIED SCHOOL
DISTRICT; THOMAS FRIED;
CHRISTOPHER RIZZUTO;

Defendants.

Case No. CV 5:10-CV-04312-EJD
Honorable Edward J. Davila

STIPULATION TO EXTEND
DEADLINE TO COMPLETE
MEDIATION AND [PROPOSED]
ORDER

1 WHEREAS Plaintiff and Defendants (collectively hereinafter "Parties") have
2 agreed to participate in Mediation pursuant to ADR Local Rule 6;

3 WHEREAS the Parties have met, conferred, and agreed that mediation must
4 follow the Court's ruling on Defendants' pending Rule 12 Motion in order to
5 ascertain what, if anything, will be put in issue by the FAC of Plaintiff, and the
6 Parties further agreed that settlement efforts are premature until after the Court rules
7 on Defendants' pending Rule 12 Motion (Documents 44, 44-1, 44-2);

8 WHEREAS in an attempt to accomplish this goal of mediating the case after
9 the court rules on the Rule 12 motion, Parties have stipulated a number of times to a
10 continuance of the deadline to complete mediation with the Court granting such
11 request;

12 WHEREAS on September 30, 2011, this Honorable Court entertained oral
13 arguments and took with matter under submission with further Orders to follow.
14 (Document 55);

15 WHEREAS the Rule 12 Motion remains under submission and the date for
16 the Court's ruling on Defendants' dispositive Rule 12 motion (Documents 44, 44-1,
17 44-2) remains uncertain and may issue subsequent to December 15, 2011 – the
18 current mediation cut-off date (Document 49);

19 WHEREAS the Parties require no less than forty-five (45) additional days,
20 and jointly request the Court vacate the current mediation completion date and order
21 the parties to complete mediation in this matter on or before January 29, 2011;

22 WHEREAS the rescheduling of the mediation completion date shall in no
23 way interfere with the progress of discovery or other aspects of the litigation and
24 shall not impact any dates set by this Court apart from the mediation completion
25 date;

26 WHEREUPON pursuant to *Federal Rule of Civil Procedure* 16(d), ADR
27 Local Rule 6-5(a), and Civil Local Rule 7, the Parties stipulate to a forty-five (45)
28 day extension of the mediation deadline from the current date of December 15, 2011

1 so that the Court may issue its ruling on Defendants' dispositive Rule 12 motion,
2 which is submitted for decision. The Parties submit the following [proposed] Order
3 to effect their stipulated agreement.
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6 DATED: December 2, 2011 RUDERMAN AND KNOX
7
8 By Diana B. Glick
9 DIANA B. GLICK
10 Attorneys for Plaintiff, CAYLA R., by and
11 through her Conservator, CATHLEEN R.

12 DATED: December 2, 2011 GIBEAUT, MAHAN & BRISCOE
13
14 By Julie A. Mullane
15 JULIE A. MULLANE
16 Attorneys for Defendants, MORGAN
17 HILL UNIFIED SCHOOL DISTRICT;
18 THOMAS FRIED; and CHRISTOPHER
19 RIZZUTO
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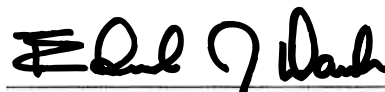
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[PROPOSED] ORDER

Pursuant to the stipulation of the Parties hereto, the Court GRANTS the Parties' request and AMENDS the deadline to complete mediation to January 29, 2012, an additional forty-five (45) days so that the Court may issue its ruling on Defendants' dispositive Rule 12 motion, which is submitted for decision

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: December 7, 2011



Hon. Edward J. Davila,
District Judge of the United States District
Court for the Northern District of California

1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 years
3 and not a party to this action. My business address is Law Offices of GIBEAUT, MAHAN &
4 BRISCOE, 6701 Center Drive West, Suite 611, Los Angeles, California 90045.

5 On **December 2, 2011**, I served the documents described as: STIPULATION TO
6 **EXTEND DEADLINE TO COMPLETE MEDIATION AND [PROPOSED]**
7 **ORDER** upon the parties listed below and in the following manner described preceding each list
8 of recipients:

9 **BY NOTICE OF ELECTRONIC FILING – CM/ECF**

10 Pursuant to Civil L.R. 5-5 and General Order No. 45, a Notice of Electronic Filing will be sent
11 **electronically** and the following persons deemed served by simultaneously filing the attached
12 documents via the CM/ECF system of the United States District Court, Northern District of California,
13 Case No. 10-04312-HRL:

14 Attorneys for Plaintiffs:

- 15 ➤ Richard F. Ruderman rick@richardruderman.com
16 ➤ Christian Marie Knox amdak2003@yahoo.com

17 Counsel for Defendants:

- 18 ➤ Hans A. Gillinger hgillinger@gmb-law.com
19 ➤ Gary Robert Gibeaut grgibeaut@gmb-law.com
20 ➤ Nancy Mahan-Lamb nmahan-lamb@gmb-law.com
21 ➤ Karen Manabo kmanabo@gmb-law.com

22 Co-Counsel for Defendants:

- 23 ➤ Amy Levine alevine@dwkesq.com

1 **BY U.S. MAIL**

2 The following person was not registered with the Court's CM/ECF system, so I placed the
3 document listed above in a sealed envelope with postage thereon fully prepaid, in the United States
4 mail at Los Angeles, California addressed as set forth below for delivery. I am readily familiar with
5 the firm's practice of collection and processing of correspondence for mailing. Under that practice, it
6 would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in
7 the ordinary course of business. Service by U.S. Mail as described above was made to the following
8 person:

9 **Co-Counsel for Defendants:**

- 10 ➤ Tracy Lowman Tibbals
11 Dannis Woliver Kelley
12 71 Stevenson St. 19th Fl.
13 San Francisco, California 94105

14 **Attorneys for Plaintiff:**

- 15 ➤ Diana B. Glick
16 RUDERMAN & KNOX, LLP
17 2020 Hurley Way, Suite 405
18 Sacramento, CA 96825

19 I HEREBY CERTIFY that on the 2nd day of March, 2011 in Los Angeles, California, I filed
20 the foregoing electronically through the CM/ECF system of this Court, which caused the parties to be
21 served by electronic means except as to those not registered with the Court's CM/ECF system whom I
22 served by U.S. Mail. I declare under penalty of perjury under the laws of the State of California that
23 the above is true and correct.

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By 

SHANI PARKER HOPWOOD