

1 **TODD H. MASTER [SBN: 185881]**
HOWARD ROME MARTIN & RIDLEY LLP
2 1775 Woodside Road, Suite 200
Redwood City, CA 94061
3 Telephone: (650) 365-7715
Facsimile: (650) 364-5297
4 Attorneys for Defendants
5 TOWN OF LOS GATOS, DAVID FISHBACK,
M. CARRIZOSA and SCOTT SEAMAN

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

HOWARD ROME MARTIN & RIDLEY LLP
1775 WOODSIDE ROAD, SUITE 200
REDWOOD CITY, CALIFORNIA 94061
TELEPHONE (650) 365-7715

12 TYRONE JOHNSON,

13 Plaintiff,

14 vs.

15 DAVID FISHBACK, et al.

16 Defendants.

Case No. CV 10-05084 LHK

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE TRIAL DATE**

18 Pursuant to Local Rules 6-1(b) and 7-12, Plaintiff TYRONE JOHNSON, by and through
19 his counsel of record, and Defendants TOWN OF LOS GATOS, DAVID FISHBACK,
20 M. CARRIZOSA and SCOTT SEAMAN, by and through their counsel of record, hereby stipulate
21 and respectfully request that the current trial date of May 29, 2012 be continued to August 27,
22 2012.

23 On August 10, 2011, the Court issued its Minute Order and Case Management Order
24 [Document 27], setting the various discovery deadlines, pretrial conference date and trial date.
25 Subsequent to the issuance of the Order, trial counsel for defendants (the undersigned) learned that
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1 his 20th College Reunion at Skidmore College in Saratoga Springs, New York was scheduled for
 2 that same week - May 31, 2012 through June 3, 2012. Defense counsel was not aware of this
 3 conflict until well after the issuance of the Court's Order. As defense counsel and his wife (also a
 4 Skidmore alumnus) plan to attend this very special reunion, defense counsel immediately advised
 5 plaintiff's counsel of the issue. Understanding defense counsel's predicament, plaintiff's counsel
 6 (an alumnus from another small liberal arts institution in Massachusetts) kindly agreed to enter into
 7 this stipulation to continue the trial date.
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9 Aside from the requested new trial date, and likely a new pretrial conference date, the
 10 requested trial continuance will not impact any of the other deadlines set by the Court. This is the
 11 first request for a continuance in this case (aside from defendants' initial request for additional time
 12 to file their answer to the complaint). Defense counsel sincerely apologizes for any difficulty this
 13 might cause the Court and its staff. He does not make this request lightly. Living in California,
 14 defense counsel and his wife rarely have the opportunity to visit their alma mater and see their
 15 former classmates and professors.
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17 Should the proposed trial date not be available for the Court, defense counsel provides his
 18 current schedule for trials/vacations in 2012: *Adams v. Albertson*, NDCA CV 10 4787 (WHA)
 19 March 5 - 16, 2012; *Dupertius v. San Mateo Co. Transit* (San Mateo County Superior Court Case
 20 No. CIV 505715) May 7 - 18, 2012; College Reunion in New York - May 30 - June 3, 2012;
 21 *Buckle v. Serrano* (San Mateo County Superior Court Case No. CIV 505398) June 11 - 22, 2012;
 22 Family Vacation - July 9 - July 20, 2012; *Adam G. v. Heald*, NDCA CV 11-01490 (RS) October 9
 23 - 20, 2012.
 24

25 Plaintiff's counsel has the following trials currently scheduled in 2012: *Benge v. Sprueill*,
 26 EDCA 1:10-CV-00978-LJO-SMS, April 16 - 24, 2012; *Duran v. Marfia*, NDCA CV 10-01380
 PSG, May 7 - 18, 2012; and *Montiel v. Sheppard*, NDCA C 07 05490 CRB, June 18 - 28, 2012.

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BOSKOVICH & APPLETON

Dated: November 2, 2011

By /s/ Anthony Boskovich
Anthony Boskovich
Attorneys for Plaintiff
TYRONE JOHNSON

HOWARD ROME MARTIN & RIDLEY LLP

Dated: November 2, 2011

By: /s/ Todd H. Master
Todd H. Master
Attorneys for Defendants
TOWN OF LOS GATOS, DAVID
FISHBACK, M. CARRIZOSA and SCOTT
SEAMAN

ORDER

The Stipulation and Proposed Order to Continue the Trial Date is hereby GRANTED by the Court. The new trial date will be August 27, 2012 with the pretrial conference to occur on August 8, 2012 at 2:00 p.m.

Dated: November 3, 2011


Hon. Lucy H. Koh
United States District Judge