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 13 Moore and Sgt. David Moody

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT

12 HENRY STEVEN AMADOR,
 13 Plaintiff,
 14 v.
 15 CITY OF SAN JOSE, CHIEF OF POLICE
 16 CHRIS MOORE, SERGEANT DAVID
 17 MOODY and DOES 1 THROUGH 50,
 18 inclusive,
 19 Defendants.

Case Number: CV11-02374 HRL

**STIPLUATION AND ~~[PROPOSED]~~
 ORDER MODIFYING DEADLINE TO
 HOLD EARLY NEUTRAL
 EVALUATION**

Trial Date: November 5, 2012

[Re: Docket No. 16]

19 Plaintiff and Defendants in the above entitled matter hereby stipulate, and jointly
 20 request that the Court extend the deadline to hold an Early Neutral Evaluation to January
 21 13, 2012. In support of this stipulation, the parties hereby submit the following as good
 22 cause for granting this request:

- 23 1. The depositions of all the parties, including that of Plaintiff Henry Amador,
 24 Defendant Chief Chris Moore and Defendant Sgt. David Moody have yet to be completed.
 25 The depositions of the parties have been set to commence in November 2011.
- 26 2. The parties are in the process of negotiating a Stipulated Protective Order to
 27 facilitate the production of a videotape of the incident. Should the parties not be able to
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stipulate, the parties may need to have the videotape issue resolved by the Court so that the videotape can be utilized during the course of the ENE session.

3. James V. Fitzgerald, III, the Neutral in the above matter, has been informed of this information and has no objection to extending the deadline to hold the Early Neutral Evaluation as stipulated herein.

4. Due to various conflicts, including scheduled trials, the parties are unable to hold the Early Neutral Evaluation until January 13, 2012, which has been scheduled with the Neutral.

5. Given the fact that the postponement of the Early Neutral Evaluation would not delay the deadlines in this matter set by the Court (the trial has been set for November 5, 2012) and for the reasons set forth herein, the parties submit that good cause exists for the extension of the ADR deadline.

Accordingly, the parties hereby jointly request that the Court extend the deadline to complete the Early Neutral Evaluation to January 13, 2012.

Respectfully submitted,


Dated: 11/2/2011

By: 
JOHN G. DOWNING, ESQ.
Le, Downing & Associates, LLP

Attorney for Plaintiff, HENRY AMADOR

RICHARD DOYLE, City Attorney

Dated: 11/4/11

By: 
SHANNON SMYTH-MENDOZA
Sr. Deputy City Attorney

Attorney for Defendants, CITY OF SAN JOSE, CHIEF CHRIS MOORE and SGT. DAVID MOODY

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ORDER

Based upon the Stipulation of the parties, and good cause appearing therefore, the Court hereby extends the deadline to hold an Early Neutral Evaluation in this case to January 13, 2012.

IT IS SO ORDERED.

Dated: November 7, 2011



HONORABLE HOWARD N. LLOYD
United States Magistrate Judge