

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSEPHINE SMITH, an individual, et al.,	)	Case No.: 11-CV-03999-LHK
	)	
Plaintiffs,	)	ORDER DENYING STIPULATION TO
v.	)	VACATE AND RESET TRIAL DATE
	)	
CITY OF SANTA CLARA, a public entity, et al.)	)	
	)	
Defendants.	)	

The Court DENIES the parties' February 20, 2013 stipulation to vacate and reset the March 4, 2013 trial date.

The March 4, 2013 trial date was set at the Initial Case Management Conference on December 21, 2011, and reaffirmed by the parties at the April 4, 2012 Case Management Conference, the August 1, 2012 Case Management Conference, and the February 6, 2013 Pretrial Conference.

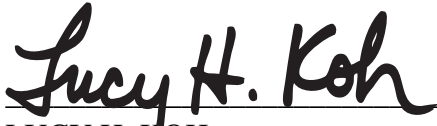
The Court recognizes that Mr. McManis is an accomplished trial attorney. However, the McManis Faulkner law firm has many accomplished trial attorneys who can try this case. Moreover, Ms. Christine Peek, a McManis Faulkner partner, is intimately familiar with this case. Her knowledge of the case was evident at the Pretrial Conference and in all the excellent motion in limine briefs and pretrial documents she has filed on behalf of the Plaintiffs. Accordingly, this trial will proceed as scheduled.

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Finally, the parties request a third Settlement Conference with Magistrate Judge Spero in May 2013 even though they already had settlement conferences with Judge Spero on March 5, 2012, and on January 30, 2013. The January 30, 2013 Settlement Conference was after this Court's January 15, 2013 Order Granting in Part and Denying in Part Defendants' Motions for Partial Summary Judgment. The Court cannot grant this request because the case will be tried on March 4, 2013. However, the Court strongly encourages the parties' to negotiate a resolution of this case.

**IT IS SO ORDERED.**

Dated: February 21, 2013

  
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LUCY H. KOH  
United States District Judge