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

12 **DAVID COLE & ZENOBIA COLE,**
 13
 Plaintiffs,
 14
 v.
 15
 16 **STATE OF CALIFORNIA DEPARTMENT**
OF CORRECTIONAL SAFETY, et al.,
 17
 Defendants.
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C 12-02086 EJD
**STIPULATION TO CONTINUE
 SEPTEMBER 27, 2012 MEDIATION
 SESSION**

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1 The following stipulation requests that the mediation session scheduled for September 27,
2 2012 be vacated in order to provide Plaintiffs with additional time to seek relief under the Federal
3 Tort Claims Act and to amend their complaint.

4 **STIPULATION**

5 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs David Cole and Zenobia Cole and
6 Defendants Department of Correctional Safety, by and through their respective counsel, stipulate
7 and request as follows:

8 1. In June 2012, the parties agreed to mediate the case through this Court's Alternative
9 Dispute Resolution Program;

10 2. On August 10, 2012, Randolph W. Hall of the Oakland City Attorney's Office was
11 assigned to serve as the mediator. The mediation session has been scheduled for September 27,
12 2012.

13 3. In preparing for the mediation, the parties have recognized that in order for any
14 mediation session to be productive, Plaintiffs must seek relief under the Federal Tort Claims Act
15 and amend their complaint to name individual defendants;

16 4. With respect to Civil L.R. 6-2(a)(1), the parties have conferred and agree that
17 continuing the September 27 mediation session would be desirable because it would allow
18 Plaintiffs to begin the process of seeking relief under the Federal Tort Claims Act;

19 5. With respect to Civil L.R. 6-2(a)(2), there have been no previous time modifications;
20 and

21 6. With respect to Civil L.R. 6-2(a)(3), a continuance of the mediation session will not
22 delay other deadlines.

23 THEREFORE, THE PARTIES HEREBY STIPULATE AND REQUEST that the Court
24 vacate the September 27, 2012 mediation session. The parties are willing to revisit the issue
25 during the November 2, 2012 case management conference.

26 By his signature below, and pursuant to General Order 45, counsel for Defendants attests
27 that counsel for all parties whose electronic signatures appear below have concurred in the filing
28 of this Stipulation.

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Dated: September 24, 2012

By: /s/ Todd Davis
FARLING HECHT & DAVIS LLP

Attorneys for Plaintiffs David and Zenobia Cole

Dated: September 24, 2012

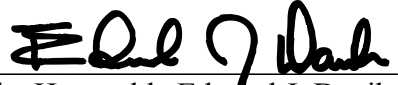
By: /s/ Michael J. Quinn
Deputy Attorney General

Attorneys for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/26/2012


The Honorable Edward J. Davila
United States District Court Judge

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CERTIFICATE OF SERVICE

Case Name: **Cole v. State of California, et al.** No. **C 12-02086**

I hereby certify that on **September 25, 2012**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION TO CONTINUE SEPTEMBER 27, 2012 MEDIATION SESSION

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **September 25, 2012**, at San Francisco, California.

A. Navarro
Declarant

/s/ A. Navarro
Signature