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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11
12 FELICIA NICHOLS,

13 Plaintiff,

14 v.

15 CITY OF SAN JOSE, OFFICER
16 SCHIPKE (#3910), OFFICER
17 FERGUSON (#4030) and DOES 1-25,
inclusive,

18 Defendants.

CASE NO.: 14-03383

**STIPULATED REQUEST FOR
CONTINUANCE OF INITIAL CASE
MANAGEMENT CONFERENCE AND
~~PROPOSED~~ ORDER**

19 **STIPULATION**

20 Pursuant to Civil Local Rules 6-2, 7-12 and 16-2(e), Plaintiff FELICIA NICHOLS, by and
21 through her attorney of record, Kenneth Frucht of Geonetta & Frucht LLP, and Defendants CITY OF
22 SAN JOSE, OFFICER KRISOPHER FERGUSON (#3030) and OFFICER CHRISTOPHER
23 SCHIPKE (#3910), by and through their attorney of record, Deputy City Attorney Mark Vanni of the
24 San Jose City Attorney's Office, hereby stipulate that the initial Case Management Conference
25 ("CMC") currently scheduled to take place on January 8, 2015 at 1:30 p.m., be continued to January
26 22, 2015 at 1:30 p.m.

27 Good cause exists to continue the date of the initial CMC, including preparing the Joint CMC
28 Statement and Proposed Order per Civil Local Rule 16-9, and other associated deadlines, because

1 Plaintiff's counsel Kenneth Frucht was unexpectedly hospitalized on December 19, 2014, and was not
2 released from the hospital until December 28, 2014. Mr. Frucht spent the following week
3 recuperating, and did not return to work until January 5, 2014. Consequently, Mr. Frucht was unable
4 to meet and confer with Defendants' counsel or to assist in preparing a Joint Case Management
5 Conference Statement pursuant to Civil Local Rule 16-9(a). Additionally, Mr. Frucht has a number
6 of doctor appointments scheduled for this and the following week, which would make it difficult for
7 him to prepare for and attend the scheduled CMC in San Jose.

8 A brief continuance of two weeks would allow the parties sufficient time before the CMC to
9 submit to the Court a Joint CMC Statement and to prepare for the CMC. There have been no prior
10 requests for a continuance. No prejudice will result to any party as a result of a continuance of the
11 CMC.

12 **SO STIPULATED.**

13 DATED: January 6, 15

GEONETTA & FRUCHT, LLP

14
15 By: /s/
16 KENNETH FRUCHT
17 Attorneys for Plaintiff
18 FELICIA NICHOLS

19 DATED: January 6, 15

SAN JOSE CITY ATTORNEY'S OFFICE

20
21 By: /s/
22 MARK VANNI
23 Deputy City Attorney
24 Attorneys for Defendants
25 CITY OF SAN JOSE
26 and OFFICER KRISOPHER FERGUSON (#3030)
27 and OFFICER CHRISTOPHER SCHIPKE (#3910)
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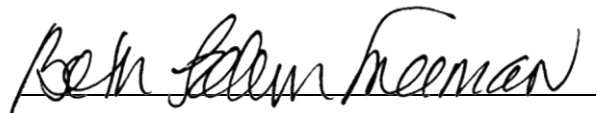
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~~PROPOSED~~ ORDER

Having considered the stipulation filed by the parties, and good cause appearing, the Court hereby ORDERS that the initial Case Management Conference be continued to January 22, 2015 at 1:30 p.m. with the associated deadlines continued accordingly.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 7, 2015



HON. BETH LABSON FREEMAN
United States District Court Judge