

1 RICHARD DOYLE, City Attorney (88625)
 NORA FRIMANN, Assistant City Attorney (93249)
 2 CHRISTIAN B. NIELSEN, Chief Deputy City Attorney (87972)
 SHANNON SMYTH-MENDOZA, Sr. Deputy City Attorney (188509)
 3 Office of the City Attorney
 200 East Santa Clara Street, 16th Floor
 4 San José, California 95113-1905
 Telephone Number: (408) 535-1900
 5 Facsimile Number: (408) 998-3131
 E-Mail Address: cao.main@sanjoseca.gov

6
 7 Attorneys for Defendants:
 MICHAEL L. PORTER and PETER A SZEMEREDI

8 JOHN L. BURRIS (69888)
 DeWITT M. LACY (258789)
 9 The Law Offices of John L. Burris
 Airport Corporate Center
 10 7677 Oakport St., Suite 1120
 Oakland, CA 94621
 11 Telephone Number: (510) 839-5200
 Facsimile Number: (510) 839-3882
 12 dewitt.lacy@johnburrislaw.com

13 Attorneys for Plaintiff:
 14 MARCUS ALAN STEWART

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION

18 MARCUS ALAN STEWART, an individual,
 19 Plaintiff,
 20 v.
 21 MICHAEL L. PORTER, individually and in his
 22 capacity as an officer for the San Jose Police
 Department; PETER A. SZEMEREDI,
 23 individually and in his capacity as an officer
 for the San Jose Police Department; DOES 1-
 24 10, inclusive, individually and in their
 capacities as officers for the San Jose Police
 Department,
 25 Defendants.
 26

Case Number: 14-CV-05235 LHK
**STIPULATION AND [PROPOSED]
 ORDER TO STAY PROCEEDINGS
 PENDING OUTCOME OF CRIMINAL
 MATTER**

27 The parties are reporting back to the court following the court's order of January 28,
 28 2016 continuing the stay and prior to the Case Management Conference currently set for

1 May 4, 2016.

2 The parties ask the court to continue the stay of proceedings for another 45 days.
3 Plaintiff's state court criminal case has not resolved and is currently set for trial on May 16,
4 2016. It is anticipated that some form of resolution of the criminal case will occur by the
5 end of the first week of June 2016.

6 Defendants' counsel is unavailable from June 9, 2016 through June 20, 2016 and
7 request that the continued Case Management Conference be rescheduled to a date no
8 earlier than June 21, 2016.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Dated: April 26, 2016

Respectfully submitted,

RICHARD DOYLE, City Attorney

By: /s/ Shannon Smyth-Mendoza
SHANNON SMYTH-MENDOZA
Senior Deputy City Attorney

Attorneys for Defendants:
MICHAEL L. PORTER and PETER A SZEMEREDI

Dated: April 26, 2016

LAW OFFICES OF JOHN L. BURRIS

By: /s/ DeWitt M. Lacy
DEWITT M. LACY

Attorneys for Plaintiff:
MARCUS ALAN STEWART

I attest that Plaintiff's counsel has read and approved this document, and given
consent to the filing of the same with the Court.

Respectfully submitted,

Dated: April 26, 2016

RICHARD DOYLE, City Attorney

By: /s/ Shannon Smyth-Mendoza
SHANNON SMYTH-MENDOZA
Senior Deputy City Attorney

Attorneys for Defendants:
MICHAEL L. PORTER and PETER A SZEMEREDI

1 **ORDER**

2 Good cause appearing the Court orders the entire civil action is stayed for an additional
3 45 day period subject to an extension that will be based on information provided by law
4 enforcement or Plaintiff's counsel in the criminal matter. The parties are ordered to return to
5 Court on June 29, 2016 at 2 p.m.

6
7 Dated April 26, 2016

8 
9 _____
10 HON. LUCY H. KOH
11 United States District Court Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28