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19 Attorneys for Plaintiff

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN JOSE DIVISION

23 LEE DARNELL WATSON,
 24 Plaintiff,

25 v.

26 CITY OF SAN JOSE, a government entity;
 27 MATTHEW BRACKETT, individually;
 28 RYAN HANSEN, individually; RONALD
 HUGHES; and DOES 1-10, inclusive,

Defendants.

Case Number: 15-cv-04054-NC

**STIPULATION AND ~~PROPOSED~~
 ORDER TO STAY PROCEEDINGS
 PENDING OUTCOME OF CRIMINAL
 MATTER ; AS MODIFIED**

**THE PARTIES BY AND THROUGH THEIR RESPECTIVE COUNSEL HEREBY
 STIPULATE AS FOLLOWS:**

1. Plaintiff's Complaint alleges several causes of action arising from an incident occurring on or about October 1, 2014 in San Jose, California. Plaintiff alleges the

1 Defendants used excessive force when taking him into custody. Plaintiff is currently facing
2 criminal charges arising from this incident.

3 2. Based on the grounds that the pending State criminal charges resulting from
4 the arrest of Lee Darnell Watson are inextricably related to the causes of action in this civil
5 action, the lack of prejudice and reduced burden to the parties, and in the interests of
6 judicial economy and the public, the parties stipulate that the entire civil action be stayed
7 for 90 days. See *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324-25 (9th Cir.
8 1995); see also *Federal Sav. & Loan Ins. Corp. v. Molinaro*, 889 F.2d 899, 902 (9th
9 Cir.1989). Specifically, the parties request that the court stay the entire civil action for a 90-
10 day period subject to an extension that will be based on information provided by Santa
11 Clara County District Attorney's Office or Plaintiff's counsel in the criminal matter.

12 The parties ask the court stay the proceedings for 90 days as Plaintiff's state court
13 criminal case is expected to resolve following the time not waived jury trial set for March
14 20, 2016. It is anticipated that some form of resolution will occur no later than by April 29,
15 2016.

16		Respectfully submitted,
17		RICHARD DOYLE, City Attorney
18	Dated: February 17, 2016	By: <u>/s/ Shannon Smyth-Mendoza</u>
19		SHANNON SMYTH-MENDOZA
20		Sr. Deputy City Attorney
21		Attorneys for Defendants
22		THE SEHAT LAW FIRM, PLC
23	Dated: February 17, 2016	By: <u>/s/ Cameron Sehat</u>
24		CAMERON SEHAT
25		Attorney for Plaintiff
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28		

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

3 Respectfully submitted,

4 Dated: February 17, 2016

RICHARD DOYLE, City Attorney

5 By: /s/ Shannon Smyth-Mendoza

6 SHANNON SMYTH-MENDOZA
Sr. Deputy City Attorney

7 Attorneys for Defendants

8
9 **ORDER**

10 Good cause appearing the Court orders the entire civil action is stayed ^{until May 20} ~~for a 90-day~~
11 or further court order. Joint status report due May 20, 2016. Deadline for ENE is extended 150 days.
12 ~~period subject to an extension that will be based on information provided by law~~
13 ~~enforcement or Plaintiff's counsel in the criminal matter. The parties are ordered to return~~
14 to Court on _____ at _____ a.m./p.m.

15 Dated: February 17, 2016

16 HON. NATHANAEL M. COUSINS
17 UNITED STATES DISTRICT COURT

