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10 Attorneys for Defendants  
CITY OF PITTSBURG, CHIEF AARON BAKER,  
11 LIEUTENANT WADE DERBY, SERGEANT JAMES CALIA, and  
12 SERGEANT RODERICK DUPONT

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 ALFRED J. ABONO, JR.  
16 Plaintiff,

17 v.

18 CITY OF PITTSBURG, a municipal entity  
form unknown; AARON L. BAKER, Chief of  
19 Police, City of Pittsburg in his individual and  
official capacity; LT. W. DERBY, City of  
20 Pittsburg Police Department, an individual,  
SGT. (fnu) CALIA, City of Pittsburg Police  
21 Department, an individual, SGT. (fnu)  
DUPONT, City of Pittsburg Police  
22 Department, an individual, and JOHN DOES  
1-20,

23 Defendants.  
24

Case No: C07-5371 MHP

**[PROPOSED] ORDER RE STIPULATION  
RE USE OF PRIOR SETTLEMENT  
CONFERENCE IN CONCURRENT CASE  
IN LIEU OF MEDIATION HEREIN**

Complaint Filed: August 2, 2007  
Service Effective: September 21, 2007  
Removed on October 22, 2007

1 Having reviewed the parties' Stipulation Re Use Of Prior Settlement Conference In  
2 Concurrent Case In Lieu Of Mediation Herein and other pleadings on file in the above-entitled  
3 case, the Court HEREBY GRANTS parties' Stipulation.

4 All parties participated in a settlement conference with Magistrate James Larson on  
5 March 11, 2008 in the companion case titled *Alfred Abono et al. v. City of Pittsburg et al.*,  
6 United States District Court, Northern District of California, Case No. C07-3969 SBA,  
7 pending before Judge Sandra B. Armstrong. Magistrate Larson asked for additional  
8 information and the settlement conference was continued to allow the City time to confer with  
9 its legislative body the City Council. The parties anticipate a follow up session with  
10 Magistrate Larson to be set in the near future. The parties request that the settlement  
11 conference before Judge Larson serve as a substitute for the mediation program in this matter  
12 and request that the order referring the matter to court-connected mediation be formally  
13 vacated.

14 IT IS HEREBY ORDERED THAT the settlement conference before Judge Larson  
15 serve as a substitute for the mediation program in this matter and the order referring the matter  
16 to court-connected mediation be formally vacated..

17  
18 Dated: \_\_\_\_\_, 2008

19 \_\_\_\_\_  
20 HON. MARILYN H. PATEL  
21 JUDGE, USDC, NORTHERN DISTRICT

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