Mart B. Oller IV, # 149186 1 (SPACE BELOW FOR FILING STAMP ONLY) McCormick, Barstow, Sheppard, Wayte & Carruth LLP 2 5 River Park Place East 3 Fresno, CA 93720 FILED (559) 433-1300 Telephone: (559) 433-2300 Facsimile: 4 JUL 15 2009 5 Attorneys for Defendant Gustine Unified School District CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT 10 Case No. 1:07-CV-00796-OWW-DLB 11 JOHN ROE, a minor, by and through his Guardian ad Litem, SHEILA IRENE STIPULATION AND ORDER RE CALLAHAN, 12 CONTINUANCE OF MOTIONS FOR SUMMARY JUDGMENT HEARING 13 Plaintiff, 14 v. GUSTINE UNIFIED SCHOOL 15 DISTRICT; GOLDEN VALLEY Callahan vs. Gustine Unified SCHOOL DISTRICT; KYLE Doc. 102 SIMMONS, a minor; MICHAEL 17 FISCHER, aka MICHAEL SIMMONS, a 18 minor; KELLY SIMONS; JASON SIMMONS; MATTHEW McKIMMIE, a 19 minor; MYRNA TYNDAL; TOMMY SAN FELIP, a minor; FRANK HUDSON; BETTY HUDSON; CARL SCUDDER; 20 JASON SPAULDING; ANTHONY 21 SOUZA; ADAM CANO; TIMOTHY HAYES; KULJEEP MANN; CHRIS IMPERATRICE, AND DOES 1-200, 22 Defendants. 23 24 25 **STIPULATION** 26 27 Defendant GUSTINE UNIFIED SCHOOL DISTRICT and Defendant CARL SCUDDER 28 49912/00048-1420000.v1 McCornick, Barstow. SHEPPARD, WAYTE & CARRUTHIIP STIPULATION AND ORDER RE CONTINUANCE OF MOTION FOR SUMMARY JUDGMENT HEARING

GENTRE PLAZA OFFICE TOWER 150 North Street, Suite 1200

1	each have filed motions for summary judgment, which are currently scheduled to be heard on		
2	August 3, 2009 at 10:00 a.m. in Courtroom 3. Based on a conflict in the calendar of counsel for		
3	GUSTINE UNIFIED SCHOOL DISTRICT, the moving parties, and counsel for the opposing		
4	party John Roe, have agreed to a brief continuance of the hearing to August 10, 2009 at 10:00		
5	a.m. in Courtroom 3. Counsel for GUSTINE UNIFIED has been advised by the clerk for		
6	Courtroom 3 that the court's calendar for August 10, 2009 can accommodate said continuance. It		
7	is further stipulated that the deadlines for filing the opposition and replies will be governed by the		
8	new hearing date of August 10, 2009.		
9			
10	Dated: July 10, 2009  ALLEN & FAGALDE, ALBERTONI &		
11	FLORES		
12	Den del Windo La Planca		
13	By: /s/ Kimberly Flores Kimberly Flores		
14	Attorneys for Plaintiff JOHN ROE by and through His Guardian ad Litem, SHEILA		
15	CALLAHAN		
16			
17	Dated: July 10, 2009		
18			
19	McCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP		
20			
21	By: /s/ Mart B. Oller IV  Mart B. Oller IV		
22	Attorneys for Defendant GUSTINE UNIFIED SCHOOL		
23	DISTRICT, JASON SPAULDING, ANTHONY SOUZA, ADAM CANO		
24	ANTHON I SOUZA, ADAM CANO		
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28 ISTOW, YTE &	49912/00048-1420000.v1 2		

McCormick, Barst SHEPPARD, WAYTE & CARRUTH LLP GENTRE PLAZA OFFICE TOWER 1150 NWTH \$ TREET, SUITE 1200 MODESTO, CA 95354

1	Dated: July 10, 2009 TUTTLE & McCLOSKEY	
2		
3	By: /s/ James McBrearty	
4	By: /s/ James McBrearty James McBrearty Attorneys for CARL SCUDDER	- }
5	Audineys for CARE SCODE	
6	DUDGUANT TO THE STIDIU ATION IT IS SO ODDEDED.	
7	PURSUANT TO THE STIPULATION, IT IS SO ORDERED:	
8	Dated: 7-13-09 Dhim My	
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10	The Honorable Oliver W. Wanger United States District Court Eastern District of California	
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MCCORMICK, BARSTOW, SHEPPARO, WAYTE & CARRUTH LLP GENTRE PLAZA OFFREE TOWER 1150 NINTH STREET, SUITE 1200 MODESTO, CA 95354