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8 **THE UNITED STATES DISTRICT COURT**
 9 **FORTHE EASTEN DISTRICT OF CALIFORNIA**

10 ***

11 STANLEY BRADFORD CLARKE,)	No. CV-F-07-888 OWW/SMS
)	
12 Plaintiff,)	<u>STIPULATION TO CONTINUE HEARING</u>
)	<u>ON MOTIONS; ORDER ON SAME</u>
13 v.)	
)	
14 SANDRA UPTON; AMPARO WILLIAMS;)	
15 DEPARTMENT OF SOCIAL SERVICES; and)	
COUNTY OF MADERA,)	
)	
16 Defendants)	

17 **RECITALS**

- 18
- 19 1. Defendants Sandra Upton, Amparo Williams, Department of Social Services and County of
 20 Madera (hereinafter collectively "Defendants") filed motions to strike and to dismiss the Fifth Amended
 21 Complaint filed herein by plaintiff Stanley Bradford Clarke ("Clarke");
 - 22 2. Clarke filed an opposition to Defendants' motions and filed a counter-motion for leave to
 23 amend and for appointment as guardian ad litem of Clarke's minor child Ambrose.
 - 24 3. In a discussion with the court on November 3, 2008, Clarke and the Defendants, through
 25 counsel, agreed to continue the hearings on all these various motions to a later date;
 - 26 4. The Court thereafter continued these hearings to February 9, 2009, at 10:00 a.m. in Depart-
 27 ment 3 of this Court.
 - 28 5. Subsequent to these events counsel for Clarke and counsel for the Defendants submitted a
 joint request to the Madera County Superior Court, Juvenile Division, for release of a sealed court file related

1 to Ambroise Clarke-Curutchague, a file which counsel for Clarke and counsel for the Defendants wished to
2 obtain and review prior to the continued herein herein.

3 6. That sealed court file has not yet been released by the Madera County Superior Court, Juve-
4 nile Division, and counsel therefore have agreed to continue these hearings again, in order to obtain and re-
5 view the same prior to the hearing.

6 7. In order to ensure that the court file is obtained in advance of the hearing, counsel wish to
7 continue the hearing to a date convenient to the Court but not earlier than March 23, 2009.

8 8. Now, therefore, the parties hereto, by and through their respective attorneys of record herein,
9 agree and stipulate as follows:

10 STIPULATION

11 1. The hearings on Defendants' motions to dismiss and to strike, on Clarke's counter-motion for
12 leave to amend and Clarke's motion for his appointment as guardian *ad litem* for Clarke's minor child Am-
13 broise Clarke-Curutchague, shall all be held on a date to be assigned by the Court, but in any case not before
14 March 23, 2009.

15 Dated: January 8, 2009

THE ROWELL LAW OFFICE

17
18 /s/ David L. Rowell
by: David L. Rowell, attorney for
19 Stanley Bradford Clarke

20 Dated: January 8, 2009

EMERSON, COREY, SORENSEN, CHURCH &
21 YOHMAN

22
23 /s/ Rayma Church
by: Rayma Church, attorney for
24 Sandra Upton, Amparo Williams, Department of So-
25 cial Services and County of Madera

26 ORDER ON STIPULATION

27 GOOD CAUSE therefore appearing, IT IS HEREBY ORDERED that the hearings on Defendants'
28 motions to dismiss and to strike, on Clarke's counter-motion for leave to amend and Clarke's motion for his

1 appointment as guardian *ad litem* for Clarke's minor child Ambroise Clarke-Curutchague, shall all be held on
2 March 30, 2009, at 10:00 am, in Department 3 of this Court.

3 Dated: 1/8/2009

/s/ OLIVER W. WANGER

4 Oliver W. Wanger, U.S. District Court Judge
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