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

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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, and the hearing(s) were  
 26 continued to March 30, 2009.
  - 27 4. Subsequent to these events counsel for Clarke and counsel for the Defendants submitted a  
 28 joint request to the Madera County Superior Court, Juvenile Division, for release of a sealed court file from

1 the case *In re Ambroise C.*, Madera County Superior Court case number BJP015618, a file which counsel for  
2 Clarke and counsel for the Defendants wished to obtain and review prior to the continued herein herein.

3 5. That sealed court file was recently released by the Madera County Superior Court, Juvenile  
4 Division. However, copies thereof have not yet been received by all parties. Moreover, the file is voluminous  
5 and counsel have not yet had an opportunity to review the file.

6 6. In addition to this factor, counsel for both parties have subsequently been assigned trial dates  
7 in unrelated matters which conflict with the current hearing date herein; that is, counsel for Clarke starts trial  
8 on March 16, 2009, and anticipates that trial will continue through March 30, 2009; counsel for defendants  
9 starts trial on March 30, 2009.

10 7. In order for all parties to obtain and review the juvenile court file prior to the hearing, and to  
11 resolve this scheduling conflict, counsel for all parties therefore have agreed to continue these hearings to a  
12 date convenient to the Court but not earlier than April 27, 2009.

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

15 **STIPULATION**

16 1. The hearings on Defendants' motions to dismiss and to strike, on Clarke's counter-motion for  
17 leave to amend and Clarke's motion for his appointment as guardian *ad litem* for Clarke's minor child Am-  
18 broise Clarke-Curutchague, shall all be held on a date to be assigned by the Court, but in any case not before  
19 April 27, 2009.

20 Dated: February 12, 2009

THE ROWELL LAW OFFICE

21 \_\_\_\_\_  
22 /s/ David L. Rowell  
23 by: David L. Rowell, attorney for  
Stanley Bradford Clarke

24 Dated: February 12, 2009

EMERSON, COREY, SORENSEN, CHURCH &  
YOHMAN

25 \_\_\_\_\_  
26 /s/ Rayma Church  
27 by: Rayma Church, attorney for  
28 Sandra Upton, Amparo Williams, Department of So-  
cial Services and County of Madera

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**ORDER ON STIPULATION**

GOOD CAUSE therefore appearing, IT IS HEREBY ORDERED that the hearings on Defendants' motions to dismiss and to strike, on Clarke's counter-motion for leave to amend and Clarke's motion for his appointment as guardian *ad litem* for Clarke's minor child Ambroise Clarke-Curutchague, shall all be held on April 27, 2009 at 10:00 AM, in Department 3 of this Court

Dated: February 17, 2009

/s/ OLIVER W. WANGER  
Oliver W. Wanger,  
U.S. District Court Judge