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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Defendants  
COUNTY OF FRESNO, FORMER SHERIFF  
RICHARD PIERCE, LT. RICHARD KO, DEPUTY  
KEVIN WIENS, SGT. GEORGE BERTSCH, III, SGT.  
RICHARD GALLEGOS, and DEPUTY STEWART  
ASSELIN

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

MARTIN COLDWELL, individually and  
on behalf of Class of Persons similarly  
situated, STEPHEN LAKE, ROBERT  
TURNER, and DAVID DURBIN,

Plaintiffs,

v.

COUNTY OF FRESNO, FORMER  
SHERIFF RICHARD PIERCE, SGT.  
RICK KO, DEPUTY KEVIN WIENS,  
DET. BERTSCH, DET. GALLEGOS,  
DEPUTY ASSELIN and DOES 1 through  
10, inclusive,

Defendants.

Case No. 1:07-CV-01131-LJO-SMS

**STIPULATION TO CONTINUE HEARING  
ON PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND/OR  
SUMMARY ADJUDICATION AND  
ORDER THEREON**

Due to calendaring conflicts, it is jointly requested that the hearing on Plaintiffs' Motion for Summary Judgment/Summary Adjudication, presently scheduled for January 21, 2009 at 8:30 a.m., be continued to January 29, 2009 at 8:30 a.m., before the Honorable Judge Lawrence J. O'Neill.

It is also jointly stipulated that Plaintiffs' Reply to Defendants' Opposition may be filed, with the court's permission, on or before January 22, 2009.

1  
2 Dated: January 13, 2009

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH, LLP

3 By: /s/ Michael G. Woods  
4 Michael G. Woods  
5 Attorneys for Defendants,  
6 COUNTY OF FRESNO, FORMER  
7 SHERIFF RICHARD PIERCE, LT.  
8 RICHARD KO, DEPUTY KEVIN WIENS,  
9 SGT. GEORGE BERTSCH, III, SGT.  
10 RICHARD GALLEGOS, and DEPUTY  
11 STEWART ASSELIN

12  
13 Dated: January 13, 2009

BRUCE W. NICKERSON LAW OFFICE

14 By: /s/ Bruce W. Nickerson  
15 Bruce W. Nickerson  
16 Attorneys for Plaintiffs,  
17 MARTIN COLDWELL, individually  
18 and on behalf of Class of Persons similarly  
19 situated, STEPHEN LAKE, ROBERT  
20 TURNER, and DAVID DURBIN

21 **ORDER**

22 Based on the Stipulation of the Parties and good cause appearing therefor, the  
23 hearing on Plaintiffs' Motion for Summary Judgment/Summary Adjudication is continued to  
24 January 29, 2009 at 8:30 a.m. in Courtroom 4 of the above entitled court.

25 Plaintiffs' Reply to Defendants' Opposition, if any, must be filed on or before  
26 January 22, 2009.

27 The Pretrial Conference date and trial date will NOT be changed as a result of this  
28 continuance.

Dated: January 13, 2009

/s/ LAWRENCE J. O'NEILL  
LAWRENCE J. O'NEILL  
JUDGE OF THE UNITED STATES  
DISTRICT COURT

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