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

9
10 UNITED STATES DISTRICT COURT
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12 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

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

Plaintiffs,

16 v.

17 COUNTY OF FRESNO, FORMER
18 SHERIFF RICHARD PIERCE, SGT.
RICK KO, DEPUTY KEVIN WIENS,
DET. BERTSCH, DET. GALLEGOS,
19 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**

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

26 It is also jointly stipulated that Plaintiffs' Reply to Defendants' Opposition may be
27 filed, with the court's permission, on or before January 22, 2009.
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STIPULATION TO CONTINUE HEARING ON MOTION FOR SUMMARY JUDGMENT/ADJUDICATION

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Dated: January 13, 2009

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH, LLP

By: /s/ Michael G. Woods
Michael G. Woods
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

Dated: January 13, 2009

BRUCE W. NICKERSON LAW OFFICE

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

ORDER

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

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

The Pretrial Conference date and trial date will NOT be changed as a result of this 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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