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6 Attorneys for Plaintiff
7 BESSIE IRENE WALTZ

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

BESSIE IRENE WALTZ,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. 1:07-cv-01691-SMS

**STIPULATION TO CONTINUE BRIEFING
OF OPPOSITION AND REPLY TO THE
DEFENDANT'S MOTION TO DISMISS
UNDER FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(6) FOR 30 DAYS;
ORDER**

WHEREAS, counsel to the plaintiff has been advised that the plaintiff in that certain litigation styled, *Marley v. United States*, 567 F.3d 1030 (9th Cir. June 1, 2009), intends to seek review of the Ninth Circuit's decision through the filing of a Petition for Writ of Certiorari with the United States Supreme Court; and

WHEREAS, the last day to file the Petition for Writ of Certiorari with the United States Supreme Court is August 31, 2009, 90 days following the date of the *Marley* decision; and

WHEREAS, counsel to plaintiff and defendant have met and conferred about this development and have agreed to continue further briefing concerning defendant's motion filed under rule 12(b)(6) for a period of 30 days, to permit time to review and analyze the Petition for Writ of Certiorari.

WHEREFORE, plaintiff and defendant, by and through their counsel, stipulate as follows:

1. The plaintiff's opposition to the defendants' rule 12(b)(6) motion shall be filed on or before September 21, 2009;

1 2. The defendant's reply shall be filed on or before October 5, 2009
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4 DATED: August 20, 2009

5 BANKS & WATSON
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8 By: /s/ James J. Banks

9 JAMES J. BANKS

10 Attorneys for Plaintiff BESSIE IRENE WALTZ
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13 DATED: August 20, 2009

14 McGREGOR W. SCOTT
15 United States Attorney
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18 By: /s/ E. Robert Wright

19 E. ROBERT WRIGHT

20 Assistant U.S. Attorney
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23 **O R D E R**

24 SO ORDERED.
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27 DATED: 8/24/2009

28 /s/ Sandra M. Snyder

1 HON. SANDRA M. SNYDER

2 Chief Magistrate Judge
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