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(SPACE BELOW FOR FILING STAMP ONLY)

5 Attorneys for Defendants
6 MCSWAIN UNION ELEMENTARY SCHOOL
DISTRICT; TERRIE ROHRER; C.W. SMITH, and
7 MARTHA HERNANDEZ

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 T.A., a minor (by and through next friend),
ANNA AMADOR,

Case No. 1:08-CV-01986-OWW-DLB

12 Plaintiff,

**STIPULATION AND ORDER TO
CONTINUE PRE-TRIAL CONFERENCE
DATES REGARDING DEFENDANTS'
NON-RETAINED EXPERT WITNESSES**

13 v.

14 MCSWAIN UNION ELEMENTARY
15 SCHOOL DISTRICT; TERRIE ROHRER,
Principal of McSwain Elementary School,
16 individually and in her official capacity;
C.W. SMITH, Assistant Principal of
17 McSwain Elementary, individually and in
his official capacity, and MARTHA
18 HERNANDEZ, Office Clerk for McSwain
Elementary School, Individually and in her
19 official capacity,

20 Defendants.

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22 Plaintiff T.A., by and through her attorney of record William J. Becker, Jr. of the Becker
23 Law Firm, and Defendants MCSWAIN UNION ELEMENTARY SCHOOL DISTRICT;
24 TERRIE ROHRER; C.W. SMITH, and MARTHA HERNANDEZ (hereinafter "Defendants,"
25 collectively), by and through their counsel of record Anthony N. DeMaria of McCormick,
26 Barstow, Sheppard, Wayte and Carruth LLP, agree and stipulate as follows,

27 1. WHEREAS, a Final Pre-Trial Conference is presently scheduled for July 26, 2010, at
28 11:00 a.m. in Courtroom 3 of the above-captioned Court, with the Joint Pre-Trial

78046/00057-1588580.v1

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Conference Statement due on or before July 19, 2010;

- 2. WHEREAS, the Court has yet to rule on the parties' Motions for Summary Judgment, previously submitted and argued before this Court on June 22, 2010, and the ruling on these motions will greatly affect and dictate the contents of the Joint Pre-Trial Conference Statement;
- 3. WHEREAS, counsel for Plaintiff T.A. is presently out of state on an emergency matter attending to, and caring for, his ailing mother in Phoenix, Arizona, and the date of counsel's return is presently unclear;
- 4. WHEREAS, based on the foregoing, and in the interest of judicial economy and fairness, good cause exists to continue the date of the Final Pre-Trial Conference.

5. IT IS THEREFORE STIPULATED AND AGREED by and between and among the parties, and their attorneys of record, that the Final Pre-Trial Conference, currently set for July 26, 2010, at a 11:00 a.m. in Department 3 of this Court, and all dates associated therewith, be continued to August 2, 2010, at 11:00 a.m. in Department 3 of this Court.

6. IS SO STIPULATED.

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Dated: July 13, 20020

THE BECKER LAW FIRM

By: /s/ William Becker, Jr.
William J. Becker, Jr., Esq.,
Attorneys for Plaintiff
T.A., a minor, by and through next best
friend, ANNA AMADOR

Dated: July 13, 2010

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By: /s/ Anthony DeMaria
Anthony N. DeMaria
Attorneys for Defendants
MCSWAIN UNION ELEMENTARY
SCHOOL DISTRICT; TERRIE ROHRER;
C.W. SMITH, and MARTHA
HERNANDEZ

IT IS SO ORDERED.

Dated: July 16, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE