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Mark Gutierrez and Dan Nolan

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14 **IN THE UNITED STATES DISTRICT COURT**
FOR THE EASTERN DISTRICT OF CALIFORNIA
15 **FRESNO DIVISION**

16 **PHILIP TROY RIVERA, an individual**

17 Plaintiff,

18 vs.

19 CITY OF BISHOP, *et al.*,

20 Defendants.
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FILED
SEP 10 2009
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

Case No: 1:09-cv-00606-OWW-BAK

**JOINT STIPULATION REQUESTING
CONTINUANCE OF RULE 16
MANDATORY SCHEDULING
CONFERENCE**

**Current Hrg Date: September 11, 2009
Current Time: 8:15 am**

**Proposed Date: September 25, 2009
Proposed Time: 8:15 am
Location: Courtroom 3
(PROPOSED ORDER UNDER
SEPARATE COVER)**

24
25 COME NOW above-named Plaintiff and Defendants, and stipulate and agree as follows:

26 WHEREAS, a Rule 16(f) Scheduling Conference is currently scheduled in this case for
27 September 11, 2009 at 8:15 a.m. in Courtroom 3 of the United States District Court for the Eastern
28 District of California, Fresno Division; and

1 WHEREAS, lead counsel for plaintiff is currently engaged in the middle of a significant
2 federal criminal trial in the matter of *United States v. Green*, CR 08-59-GW, before the Honorable
3 George H. Wu in the Central District of California; and

4 WHEREAS, it was believed that the *Green* trial would finish by no later than August 21st,
5 and

6 WHEREAS, due to unanticipated circumstances, the *Green* trial starting date was
7 repeatedly set back and, it now appears that the trial not be completed until, at the earliest, the end
8 of next week (i.e., the week of the 14th of September, 2009), and

9 WHEREAS, plaintiff's trial counsel herein consequently will not be able to appear for the
10 Rule 16 Conference currently scheduled for this Friday, September 11th;

11 THEREFORE, and subject to the approval of the Court, the parties hereby stipulate to the
12 following:

13 That the Joint Scheduling Conference, presently scheduled for September 11, 2009 at 8:15
14 a.m. in Courtroom 3 of the United States District Court for the Eastern District of California,
15 Fresno Division, be re-scheduled in Courtroom 3 for September 25, 2009 at 8:15 a.m.

16 The parties have prepared a proposed Order under separate cover, attached as an exhibit to
17 this Stipulation.

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Dated: September 9, 2009

Respectfully submitted,

John H. Weston
G. Randall Garrou
Jerome H. Mooney, III
Weston, Garrou, Walters & Mooney

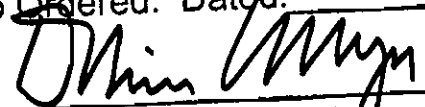
By: /s/ G. Randall Garrou
Attorneys for Plaintiff

Dated: September 9, 2009

Respectfully submitted,

Scott C. Haith
Law Offices of Scott C. Haith

By: /s/ Scott C. Haith
Attorney for Defendant
City of Bishop and individual defendants,
Gillespie, Nolan and Gutierrez

It is so Ordered. Dated: 9-9-09

United States District Judge