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5	Attorneys for Defendant		
6	JEFFREY GARCIA, O.D., sued as DR. GARCIA		
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9	UNITED STATES DISTRICT COURT		
10	EASTERN DISTRICT OF CALIFORNIA		
11	FRESNO DIVISION		
12			
13	ANTHONY CRAIG HUCKABEE, C	CASE NO. 1:09-cv-00749-LJO-BAM	
14 15	A	TIPULATION RE FILING OF MENDED MOTION TO DISMISS AND ROPOSED ORDER	
16	RALPH M. DIAZ, et al.		
17	Defendants. N	lagistrate Judge: Barbara A. McAuliffe	
18	/		
19	After reviewing Plaintiff's opposition to	the motion to dismiss filed by	
20	Defendant Jeffrey Garcia, O.D. (sued as Dr.	•	
21			
22	discovered errors he made in the original motion. To correct those errors, counsel for Dr. Garcia requires additional time to obtain and present accurate facts to the Court, namely records from the California Board of Optometry. Counsel for Plaintiff is withdrawing from representation of plaintiff. To avoid potential prejudice to Plaintiff, the parties agree Dr. Garcia's corrected motion to dismiss should not be filed until ten days after the Court addresses the request to		
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27	withdraw by counsel for Plaintiff (subject to further order of the Court).		
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1	Accordingly, the parties stipulate that Dr. Garcia's motion to dismiss filed on		
2	May 13, 2013 (Docket ##52 & 53) may be withdrawn and re-filed as corrected ten		
3	days after the Court rules on the request to withdraw by counsel for Plaintiff.		
4	SO STIPULATED:		
5	Dated: June 25, 2013 SEGAL & KIRBY LLP		
6			
7	By: <u>/s/ James R. Kirby II</u> JAMES R. KIRBY II		
8 9	Attorneys for Defendant Jeffrey Garcia, O.D (sued as Dr. Garcia)).	
10	Dated: June 25, 2013 YARRA, KHARAZI & ASSOCIATES		
11			
12	By:/s/ H. Ty Kharazi		
13	H. TY KHARAZI Attorneys for Plaintiff		
14	Anthony Craig Huckabee		
15	ORDER		
16	For good cause shown, the stipulation to permit withdrawal of Dr. Garcia's		
17	motion to dismiss and filing of a corrected motion ten days after the Court rules on		
18	the request to withdraw by Plaintiff's counsel is granted.		
19	IT IS SO ORDERED.		
20	Dated: July 5, 2013 /s/ Barbara A. McAuliffe		
21	UNITED STATES MAGISTRATE JUDGE		
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