

1 BENJAMIN B. WAGNER
 United States Attorney
 2 ALYSON A. BERG
 Assistant United States Attorney
 3 United States Courthouse
 2500 Tulare Street, Suite 4401
 4 Fresno, California 93721
 Telephone: (559) 497-4000
 5 Facsimile: (559) 497-4099

6 Attorneys for Defendant UNITED STATES OF AMERICA

7
 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10

11 SUSAN LOYE and KENNETH LOYE,)	1:10-cv-01581-LJO-GSA
)	
12 Plaintiffs,)	STIPULATION TO CONTINUE
)	DEFENDANT UNITED STATES'
13 v.)	MOTION TO DISMISS; ORDER
)	
14 THE UNITED STATES OF AMERICA,)	
)	
15 Defendant.)	
)	
16)	
17)	

18 Plaintiffs Susan Loye and Kenneth Loye (“Plaintiffs”) and Defendant United States of
 19 America (“Defendant”), stipulate to continue the hearing on Defendant’s Motion to Dismiss
 20 currently set for October 11, 2011 at 8:30 a.m. to October 18, 2011 at 8:30 a.m. as specifically set
 21 forth below.

22 The parties base this stipulation on good cause as the United States seeks an additional
 23 week to respond to the issues in the Opposition. No other dates in this action are affected by this
 24 brief extension of the hearing.

25 For the reasons set forth herein, the parties therefore stipulate and agree to continue the
 26 hearing on Defendant’s Motion to Dismiss as specified below. The parties request the court
 27 endorse this stipulation by way of formal order.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Hearing on Motion to Dismiss

Old Date

October 11, 2011

New Date

**October 18, 2011
@8:30 a.m.**

Respectfully submitted,

Dated: September 29, 2011

Dated: September 29, 2011

BENJAMIN B. WAGNER
United States Attorney

WALKUP, MELODIA, KELLY &
SCHOENBERGER

/s/Alyson A. Berg
ALYSON A.BERG
Attorneys for Defendant
United States of America

(As authorized 09/29/11)
/s/Douglas S. Saeltzer
DOUGLAS S. SAELTZER
Attorneys for Plaintiffs

ORDER

Pursuant to its practice, this Court will consider the Government's motion to dismiss on the record without a hearing. As such, this Court VACATES the October 11, 2011 hearing and ORDERS the Government, no later than October 11, 2011, to file and serve reply papers which only respond to matters existing in the pending record. This Court will not consider matters first raised in the reply papers and limits the Government's reply points and authorities to 10 pages. IT IS SO ORDERED.

**Dated: September 29, 2011 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE**