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11 **UNITED STATES DISTRICT COURT**

12 **EASTERN DISTRICT OF CALIFORNIA**

13 SUSAN LOYE and KENNETH LOYE, ) 1:10-cv-01581-LJO-GSA  
14 Plaintiffs, )  
15 v. ) **STIPULATION TO EXTEND TIME IN  
16 WHICH TO RESPOND TO PLEADINGS  
17 AND SCHEDULING CONFERENCE  
18 DATE; [PROPOSED] ORDER RE SAME**  
19 THE UNITED STATES OF AMERICA, )  
20 Defendants. )  
21 \_\_\_\_\_ )

22 Plaintiffs Susan Loyer and Kenneth Loyer (“Plaintiffs”), and Defendant United States of  
23 America (“United States”) stipulate, by and through the undersigned counsel, to extend the  
24 deadline for United States to respond to the Complaint to and including December 15, 2010.

25 The parties further agree to continue the date of the scheduling conference currently set  
26 for December 14, 2010, at 9:00 a.m. in Courtroom 10 of the above-entitled court to January 10,  
27 2011 at 10:00 a.m. in Courtroom 10.

28 The parties base this stipulation on good cause, which includes the need for United States  
29 to review the allegations in the Complaint and respond accordingly. The parties agree that this  
30 short extension of time for the United States to respond will not cause any prejudice to the parties  
31 as this action was recently commenced.

32 Accordingly, the parties stipulate and agree to continue the time for the United States to  
33 file a responsive pleading to the Complaint and to continue the scheduling conference as  
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1 specified below, and base it on the above-stated good cause. The parties request the court to  
2 endorse this stipulation by way of formal order.

3  
4 United States' response  
5 to Complaint

Old Date

New Date

6  
7 Scheduling Conference

November 15, 2010

**December 15, 2010**

8  
9  
10 Dated: November 10, 2010

Respectfully submitted,

BENJAMIN B. WAGNER  
United States Attorney

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12  
13 By: /s/Alyson A. Berg  
14 ALYSON A. BERG  
15 Assistant U.S. Attorney  
16 Attorneys for Defendant  
17 United States of America

18 Dated: November 10, 2010

Walkup, Melodia, Kelly & Schoenberger

19 /s/Conor M. Kelly  
20 Michael A. Kelly, Esq.  
Conor M. Kelly  
21 Attorneys for Plaintiffs

22 IT IS SO ORDERED.

23 Dated: November 10, 2010

24 /s/ Gary S. Austin  
25 UNITED STATES MAGISTRATE JUDGE