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Attorneys for Defendant, COUNTY OF TULARE and  
STEVEN HENRY (erroneously sued herein as "PHYSICIANS  
ASSISTANT HENRY")

**THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DONNY Y. EARP,  
  
Plaintiff,  
  
vs.  
  
COUNTY OF TULARE, PHYSICIANS  
ASSISTANT HENRY, and DOES 1-25,  
  
Defendants.

CASE NO.: 1:11-CV-00196-MJS  
  
**STIPULATION AND [PROPOSED]  
ORDER RE: CONTINUE HEARING ON  
DEFENDANTS' MOTION FOR  
EVIDENTIARY SANCTIONS AND  
MOTION FOR SUMMARY  
JUDGMENT**  
  
Case Filed: February 3, 2011  
Trial Date: June 26, 2012  
Magistrate: Michael J. Seng

The parties to the above referenced action, by and through their counsel and subject to this  
Court's approval, hereby stipulate to the following:

WHEREAS the parties jointly desire to continue the currently set date and time for hearing on  
defendants' Motion for Evidentiary Sanctions and Motion for Summary Judgment or, in the alternative,  
Summary Adjudication from its current date and time of Friday, March 9, 2012 at 9:30 a.m. in  
Department 6 of the United States District Court, Eastern District of California;

WHEREAS the parties agree that good cause exists for this continuance as counsel of record for  
defendants, Kevin E. Thelen, Esq., has just experienced the birth of his first child, a baby boy named  
Avery Quinn Thelen, on February 26, 2012 at 12:28 a.m. and is currently taking time off of work to be

1 with his newborn son;

2 THE PARTIES HEREBY AGREE, subject to the Court's approval, to continue the hearing date  
3 for defendants' Motion for Evidentiary Sanctions and Motion for Summary Judgment from Friday,  
4 March 9, 2012 at 9:30 a.m. to **Friday, March 23, 2012 at 9:30 a.m.** in the same Courtroom and  
5 Courthouse.

6 THE PARTIES HEREBY FURTHER AGREE, subject to the Court's approval, to continue the  
7 date required by defendants to provide a reply/response to plaintiff's Opposition to Motion for  
8 Evidentiary Sanctions and Motion for Summary Judgment from the close of business on Friday, March  
9 2, 2012 to the close of business on **Friday, March 9, 2012** secondary to the good cause previously  
10 stated.

11 Respectfully submitted,

12  
13 Dated: March 2, 2012

LeBEAU-THELEN, LLP

14  
15 By: /s/ KEVIN E. THELEN  
16 KEVIN E. THELEN  
17 Attorneys for Defendants COUNTY OF  
18 TULARE and STEVEN HENRY

19 Dated: March 2, 2012

LeBEAU-THELEN, LLP

20  
21 By: /s/ PHILIP BOURDETTE  
22 PHILIP BOURDETTE  
23 Attorneys for Plaintiff DONNY Y. EARP

24 **ORDER**

25  
26 IT IS SO ORDERED.

27 Dated: March 2, 2012

/s/ Michael J. Seng  
28 UNITED STATES MAGISTRATE JUDGE