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24 **UNITED STATES DISTRICT COURT**  
25 **EASTERN DISTRICT OF CALIFORNIA**  
26 **FRESNO DIVISION**

27 ARMANDO OLVERA,

28 Plaintiff,

vs.

CITY OF MODESTO, a municipal corporation,  
and MARK ULRICH,

Defendants.

**CASE NO. 1:11-CV-00540-AWI-GSA**

**STIPULATED REQUEST TO RE-SET  
HEARING DATE ON DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGEMENT AND ORDER**

Date: April 15, 2013

Time: 1:30 p.m.

Dept: 2

Judge: Hon. Anthony W. Ishii

The parties hereby respectfully stipulate as follows:

- A. This matter has been set for a hearing on Defendants' motion, which was filed on March 8, 2013 and styled as Defendants' Motion for Summary Judgment or, In the Alternative Partial Judgment.
- B. The hearing on Defendants' motion was set for April 15, 2013, at 1:30 p.m.; however, the office of counsel for Defendants inadvertently set this date prior to confirming the availability of counsel for Plaintiff. Unfortunately, counsel for Plaintiff is unavailable on April 15, 2013 because counsel must appear for a hearing on a different matter in a different county.

WHEREFORE, THE PARTIES STIPULATE and respectfully request that the Court vacate the **April 15, 2013** hearing date **and re-set** the hearing on Defendants' motion to **April 29, 2013**, at 1:30, in D-2, before the Hon. Anthony W. Ishii.

Plaintiff attests that all signatories below concur in the filing of this document.

DATED: March 19, 2013

LAW OFFICE OF SANJAY S. SCHMIDT  
LAW OFFICE OF TAI C. BOGAN

BY: /s/ Sanjay S. Schmidt  
Attorneys for Plaintiff

DATED: March 19, 2013

## MODESTO CITY ATTORNEY'S OFFICE

BY: /s/ James F. Wilson  
Attorneys for Defendants

## ORDER

Having considered the parties' stipulation, requesting that the hearing on Defendants' pending motion be vacated and re-set, and good cause appearing therefore,

IT IS HEREBY ORDERED that the hearing currently set to be held on April 15, 2013, at 1:30, in D-2, on Defendants' Motion for Summary Judgment or, In the Alternative Partial Summary Judgment, is hereby vacated; the hearing is re-set to April 29, 2013, at 1:30, in D-2, before the Hon. Anthony W. Ishii.

IT IS SO ORDERED.

Dated: March 19, 2013

**SENIOR DISTRICT JUDGE**