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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

ARMANDO OLVERA,

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

1 The parties hereby respectfully stipulate as follows:

2 A. This matter has been set for a hearing on Defendants' motion, which was filed
3 on March 8, 2013 and styled as Defendants' Motion for Summary Judgment
4 or, In the Alternative Partial Judgment.

5 B. The hearing on Defendants' motion was set for April 15, 2013, at 1:30 p.m.;
6 however, the office of counsel for Defendants inadvertently set this date prior
7 to confirming the availability of counsel for Plaintiff. Unfortunately, counsel
8 for Plaintiff is unavailable on April 15, 2013 because counsel must appear for
9 a hearing on a different matter in a different county.

10 WHEREFORE, THE PARTIES STIPULATE and respectfully request that the Court
11 **vacate** the **April 15, 2013** hearing date **and re-set** the hearing on Defendants' motion to **April**
12 **29, 2013**, at 1:30, in D-2, before the Hon. Anthony W. Ishii.

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

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15 DATED: March 19, 2013

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

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

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19 DATED: March 19, 2013

MODESTO CITY ATTORNEY'S OFFICE

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

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2 **ORDER**

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

5 IT IS HEREBY ORDERED that the hearing currently set to be held on April 15, 2013, at
6 1:30, in D-2, on Defendants' Motion for Summary Judgment or, In the Alternative Partial
7 Summary Judgment, is hereby vacated; the hearing is re-set to April 29, 2013, at 1:30, in D-2,
8 before the Hon. Anthony W. Ishii.

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10 IT IS SO ORDERED.

11 Dated: March 19, 2013


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28 SENIOR DISTRICT JUDGE