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2 Jacob M. Weisberg, SBN 049065
 THE LAW OFFICE OF JACOB M. WEISBERG
 3 844 N. Van Ness Avenue
 Fresno, CA 93728
 4 Telephone: (559) 441-0201
 Facsimile: (559) 442-3164
 5 Attorney for Plaintiff: TOULU THAO

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 TOULU THAO,

CASE NO.: 1:11-CV-00799-AWI-BAM

11 Plaintiff,

STIPULATION TO WITHDRAW
 DEFENDANTS' MOTION FOR PARTIAL
 DISMISSAL AND MOTION TO STRIKE AND
 TO ALLOW PLAINTIFF TO FILE HIS FIRST
 AMENDED COMPLAINT ON OR BEFORE
 DECEMBER 12, 2011, WITHOUT PREJUDICE
 TO THE DEFENDANTS' FILING OF ANY
 SUBSEQUENT RESPONSES TO THE FIRST
 AMENDED COMPLAINT AND **ORDER**,
 AND **ORDER** ON DEFENDANTS' MOTION
 TO DISMISS

12 v.

13 SHAUN DONOVAN, SECRETARY OF THE
 DEPARTMENT OF HOUSING AND URBAN
 14 DEVELOPMENT; FORMER REGIONAL
 COUNSEL OF HUD REGION IX FAYE
 15 AUSTIN; FORMER FIELD DIRECTOR OF THE
 FRESNO HUD OFFICE MARIE SUDDUTH;
 16 TERESA CARSON, FORMER AGENT OF THE
 U.S. DEPARTMENT OF HOUSING AND
 17 URBAN DEVELOPMENT, HUD OFFICE OF
 18 INSPECTOR GENERAL; IN THEIR
 INDIVIDUAL AND OFFICIAL CAPACITIES;
 19 AND DOES 1-75, INCLUSIVE,

Date: December 12, 2011
 Time: 1:30 p.m.
 Ctrm: 2

20 Defendants.

Hon. Anthony W. Ishii

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(Doc. No. 15)

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IT IS STIPULATED by and between the parties hereto, by and through their respective
 24 counsel, that the defendants withdraw its motion for partial dismissal and motion to strike and to
 25 allow plaintiff to file his first amended complaint on or before December 12, 2011, without prejudice
 26 to the defendants' filing of any subsequent responses to the first amended complaint.
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IT IS FURTHER STIPULATED that the defendants shall have thirty (30) days after the filing
 of plaintiff's First Amended Complaint to file a responsive pleading.

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Dated: November 3, 2011

/S/ JACOB M. WEISBERG
Jacob M. Weisberg, Attorney for Plaintiff,
TOULU THAO

Dated: November 3, 2011

BENJAMIN B. WAGNER
United States Attorney

By /S/ BENJAMIN E. HALL
BENJAMIN E. HALL
Assistant U.S. Attorney
Attorneys for Defendants

ORDER

Good cause, appearing, IT IS HEREBY ORDERED that:

1. The above stipulation shall be given full effect;
2. The December 12, 2011, hearing on Defendants' motion to dismiss is VACATED;
3. Defendants' motion to dismiss (Document 15) is DENIED as moot in light of the above stipulation;
4. Plaintiff shall file an amended complaint no later than December 12, 2011; and
5. Defendants shall have thirty (30) days from the filing of the amended complaint to file an responsive motion or a responsive pleading.

IT IS SO ORDERED.

Dated: November 10, 2011


CHIEF UNITED STATES DISTRICT JUDGE