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COUNTY SHERIFF'S DEPARTMENT, TULARE COUNTY  
SHERIFF-CORONER WILLIAM WITMANN, AND  
DEPUTY CHRISTOPHER LANDIN

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

MARIO LOPEZ JR., DECEASED,  
THROUGH HIS CO-SUCCESSORS IN  
INTEREST, MARIO LOPEZ III AND  
MICHAEL LOPEZ; ELIDA LOPEZ,  
Individually; MARIO LOPEZ III, Individually;  
and MICHAEL LOPEZ, Individually,

Plaintiffs,

vs.

COUNTY OF TULARE, a public entity,  
TULARE COUNTY SHERIFF'S  
DEPARTMENT, a public entity, TULARE  
COUNTY SHERIFF-CORONER WILLIAM  
WITTMAN, in his individual and official  
capacities, DEPUTY CHRISTOPHER  
LANDIN, Individually, and DOES 1 through  
20, Jointly and Severally,

Defendants.

CASE NO.: 1:11-cv-01547-LJO-SMS

**JOINT STIPULATION OF THE  
PARTIES; ORDER**

Case Filed: September 14, 2011  
Trial Date: None set

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1 The parties to the above referenced action, subject to the Court's approval, hereby stipulate to  
2 the following:

3 WHEREAS the parties desire to provide counsel for plaintiffs further time to prepare a response  
4 to defendants' Motion to Dismiss and Motion to Strike pursuant to the Federal Rules of Civil Procedure;

5 WHEREAS counsel for plaintiffs provided a similar professional courtesy to counsel for  
6 defendants in allowing defendants further time to respond to the Plaintiffs' Complaint;

7 WHEREAS counsel for plaintiff has multiple pressing matters that will prevent counsel for  
8 plaintiff from preparing a full and complete response to defendants' Motion to Dismiss and Motion to  
9 Strike on the currently set briefing schedule;

10 The parties HEREBY AGREE, subject to the Court's approval, to modify the time frames  
11 relating to the defendants' Motion to Dismiss and Motion to Strike as follows:

12 1. Defendants' Motion to Dismiss and Motion to Strike was previously scheduled to be  
13 heard on Wednesday, November 30, 2011 at 8:30 a.m. in Dept. 4;

14 2. Defendants' Motion to Dismiss and Motion to Strike shall now be heard on Wednesday,  
15 December 14, 2011 at 8:30 a.m. in Dept. 4;

16 3. Plaintiffs' Opposition to the defendants' Motion to Dismiss and Motion to Strike, if any,  
17 were previously set to be filed on or before Wednesday, November 16, 2011;

18 4. Plaintiffs' Opposition to the defendants' Motion to Dismiss and Motion to Strike, if any,  
19 shall now be filed on or before Wednesday, November 30, 2011;

20 5. Defendants' Reply to Plaintiffs' Opposition to the Motion to Dismiss and Motion to  
21 Strike, if any, were previously set to be filed on or before Wednesday, November 23, 2011;

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1           6.       Defendants' Reply to Plaintiffs' Opposition to the Motion to Dismiss and Motion to  
2 Strike, if any, shall now be filed on or before Wednesday, December 7, 2011;

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Respectfully submitted,

Dated: November 2, 2011

LeBEAU • THELEN, LLP

By:           /S/ DENNIS R. THELEN  
DENNIS R. THELEN, ESQ.  
Attorneys for Defendants  
COUNTY OF TULARE

Dated: November 2, 2011

KATHLEEN BALES-LANGE  
Tulare County Counsel

By:           /S/ TERESA M. SAUCEDO  
TERESA M. SAUCEDO  
Attorneys for Defendants  
COUNTY OF TULARE, TULARE COUNTY  
SHERIFF'S DEPARTMENT, TULARE  
COUNTY SHERIFF-CORONER WILLIAM  
WITTMAN, AND DEPUTY CHRISTOPHER  
LANDIN

Dated: November 2, 2011

HADDAD & SHERWIN

By:           /S/ MICHAEL HADDAD  
MICHAEL HADDAD, ESQ.  
Attorneys for Plaintiffs MARIO LOPEZ JR.,  
DECEASED, THROUGH HIS CO-  
SUCCESSORS IN INTEREST, MARIO LOPEZ  
III AND MICHAEL LOPEZ; ELIDA LOPEZ,  
Individually; MARIO LOPEZ III, Individually;  
and MICHAEL LOPEZ, Individually,

**ORDER**

Pursuant to its practice, this Court will consider defendants' motions to dismiss and strike on the record, without a hearing. As such, this Court VACATES the November 30, 2011 hearing and does not reset the hearing. This Court accepts the parties' revised briefing schedule, and the motions to dismiss

1 and strike will be submitted on the papers upon the filing of defendants' reply papers.

2 IT IS SO ORDERED.

3 **Dated:** November 2, 2011

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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