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20 Attorneys for Defendants DARIN GRIEM, CHRIS
 21 BAKER, JOSEPH REEVE, BRIAN WADE, and
 22 CHRISTOPHER BRITTON

23 **UNITED STATES DISTRICT COURT**

24 **EASTERN DISTRICT OF CALIFORNIA**

25 DON ANTOINE,

26 Plaintiff,

27 vs.

28 COUNTY OF SACRAMENTO, DARIN
 GRIEM, CHRIS BAKER, JOSEPH REEVE,
 BRIAN WADE, CHRISTOPHER BRITTON,
 and DOES 1 to 25, inclusive,

Defendants.

No. 2:06-cv-01349-WBS-GGH

**SECOND STIPULATION TO
 CONTINUE HEARING DATE ON
 PLAINTIFF'S MOTION FOR
 ATTORNEY'S FEES AND EXPENSES
 (FROM MARCH 28, 2011 TO APRIL 25,
 2011); AND PROPOSED ORDER
 THEREON**

Date: March 28, 2011
 Time: 2:00 p.m.
 Courtroom: 5, 14th Floor
 Judge: Hon. William B. Shubb

WHEREAS plaintiff Don Antoine filed a motion for attorney's fees on appeal on

1 December 15, 2010, in the United States Court of Appeals for Ninth Circuit;

2 WHEREAS defendants Darin Griem, Chris Baker, Joseph Reeve, Brian Wade, and
3 Christopher Britton have opposed that motion;

4 WHEREAS the dispute over the motion for fees on appeal has been referred to the Ninth
5 Circuit mediator;

6 WHEREAS plaintiff filed a motion for attorney's fees on January 13, 2011, in the United
7 States District Court for the Eastern District of California, and set the hearing date on that motion
8 for March 14, 2011, at 2:00 p.m.;

9 WHEREAS defendants also intend to oppose the motion for attorney's fees before the
10 district court as well; and

11 WHEREAS the parties are now working with the Ninth Circuit mediator to achieve a
12 global settlement of all remaining issues in this case, including the amount of fees on appeal and
13 the amount of fees on the merits;

14 WHEREAS, the parties previously stipulated and the court ordered the hearing on the
15 motion for district court fees continued to March 28, 2011; and,

16 WHEREAS, the parties have continued negotiating a global settlement and have now
17 agreed to an in person mediation session with the Ninth Circuit mediator, Margaret Corrigan, but
18 the earliest available in person mediation date is March 17, 2011;

19 THEREFORE the parties hereby stipulate, through their counsel of record, as follows:

20 1. Subject to the approval of the Court, the parties agree to continue the hearing date
21 on plaintiff's motion for attorney's fees on the merits from March 28, 2011, to April 25, 2011, at
22 2:00 p.m.; and

23 2. The parties further agree that completion of the briefing on the motion before the
24 district court, if necessary, shall be continued as follows:

25 a. Defendants' opposition shall be due on April 4, 2011, twenty-one (21) days
26 before the continued hearing date; and

27 b. Plaintiff's reply shall be due on April 18, 2011, seven (7) days before the
28 continued hearing date, as set forth in Local Rule 230(d).

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IT IS SO STIPULATED.

DATE: March 4, 2011

Law Offices of Amitai Schwartz

/s/ Amitai Schwartz
Amitai Schwartz
Attorneys for Plaintiff

DATE: March 4, 2011

RANDOLPH CREGGER & CHALFANT LLP

/s/ Robert L. Chalfant
Robert L. Chalfant
Attorneys for Defendants

[PROPOSED] ORDER

After considering the Stipulation by and between the parties through their counsel of record, **IT IS HEREBY ORDERED THAT:**

1. The hearing on plaintiff's motion for attorney's fees and expenses, previously set for March 28, 2011, shall be continued to April 25, 2011, at 2:00 p.m. Completion of the briefing on the motion, if necessary, shall be due as follows:

- a. Defendants' opposition shall be due on April 4, 2011.
- b. Plaintiff's reply shall be due on April 18, 2011.

IT IS SO ORDERED.

DATE: March 9, 2011



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE