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8 **COUNTY OF PLACER**

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17 **ROBERT ATTEBERY and STEVEN PROE**

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25 **Attorneys for Defendant**

**CITY OF ROSEVILLE**

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

**CASE NO. 08-CV-01778-JAM-JFM**

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**ROBERT ATTEBERY AND STEVEN  
PROE,**  
**Plaintiffs,**  
**v.**  
**PLACER COUNTY; CITY OF  
ROSEVILLE; SUPERIOR COURT OF  
CALIFORNIA; and DOES 1-10, Inclusive,**  
**Defendants.**

**JOINT STIPULATION AND TO  
CONTINUE HEARING DATE FOR  
DEFENDANT  
PLACER COUNTY'S MOTION FOR  
SUMMARY JUDGMENT**

Defendants, COUNTY OF PLACER and CITY OF ROSEVILLE and Plaintiffs ROBERT ATTEBERY and STEPHEN PROE by and through their respective counsel, hereby request the Court to continue the Motion for Summary Judgment filed by Defendant COUNTY OF PLACER currently set for hearing on November 18, 2009 at 9:0 a.m. to January 6, 2010 at 9:00 a.m.

Good cause exists for the continuance:

1. On October 13, 2009, Plaintiff sent a settlement offer to Defendant, CITY OF ROSEVILLE, who has accepted the offer and settlement documents are being drafted.
2. On October 22, 2009, Plaintiff sent a settlement offer to Defendant, COUNTY OF PLACER, who is considering the offer which must be approved by the Placer County Board of Supervisors.
3. Because the parties are actively pursuing settlement discussions, there is no need for Plaintiffs' attorneys to incur any additional attorneys' fees in preparing an

1 opposition to Defendant, COUNTY OF PLACER's, Motion for Summary Judgment if  
2 the case is going to settle soon.

3 4. Therefore, all parties join in requesting a continuance of the presently set  
4 Motion for Summary Judgment to January 6, 2010 at 9:00 a.m.

5 RESPECTFULLY SUBMITTED,  
6 Dated: October 27, 2009 VAUGHAN & ASSOCIATES

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9 /s/ Cris C. Vaughan  
10 Cris C. Vaughan  
11 Attorneys for Defendant,  
12 COUNTY OF PLACER

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14  
15 Dated: October 27, 2009 LAW OFFICES OF PAUL L. REIN

16  
17 /s/ Paul L Rein  
18 Paul L. Rein  
19 Attorneys for Plaintiffs,  
20 ROBERT ATTEBERY and STEPHEN PROE

21  
22 Dated: October 27, 2009 PORTER, SCOTT

23  
24 /s/ Noah Bean  
25 Noah M. Bean  
Attorneys for Defendant,  
CITY OF ROSEVILLE

ORDER

1  
2 Good cause having been shown, the parties' stipulation and request that the  
3 Court continue the hearing date for the Motion for Summary Judgment from November  
4 18, 2009 to January 6, 2010 at 9:00 a.m. in Courtroom 6 is hereby GRANTED.

5 If the parties file notice of settlement before January 6, 2010, the hearing will be  
6 vacated.

7 IT IS SO ORDERED.

8  
9 Dated: October 28, 2009

/s/ John A. Mendez  
JOHN A. MENDEZ  
United States District Judge