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6 Attorneys for Plaintiff
 7 GEORGE ATONDO

8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

11 George ATONDO,

12 Plaintiff,

13 vs.

14 COUNTY OF SOLANO, ANDREW
 15 SWANSON in his individual capacity, and
 16 DOES 1 through 15 inclusive,

17 Defendant

) Case No.: 2:08-CV-02794 KJM-EFB

) [Assigned to Judge Kimberly J. Mueller]

) **AMENDED STIPULATION AND ORDER**
) **TO EXTEND TRIAL DATE**

) Trial Date: August 22, 2011

) Time: 9:00 a.m.

) Place: Courtroom 3

) Judge: Honorable Kimberly J. Mueller

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 19 Parties, through and by their respective counsel of record do hereby stipulate to extend the
 20 trial date accordingly from August 22, 2011 to December 5, 2011, or November 28, 2011.

21 Defendants' are not requesting a new trial date, but are willing to accommodate plaintiff and
 22 agree to plaintiff's request. Plaintiff requests this stipulation pursuant to Federal Rule of Civil
 23 Procedure Rule 16(b)(4), Local Rules 143 and 144, and the pre-trial scheduling order, due to
 24 extraordinary circumstances and on good cause as explained herein.
 25

26 Prior to the substitution of plaintiff's current counsel, plaintiff George Atondo had been
 27 searching for new counsel since his prior counsel, Pamela Price notified Mr. Atondo of her intent
 28

1 to withdraw as his attorney. Although plaintiff's current counsel, Vincent Spohn, was aware of
2 the trial date, due to the looming prospect of Mr. Atondo being without counsel at such a late
3 stage in the litigation, he accepted representation of Mr. Atondo in order to prepare the case for
4 trial and be trial counsel. On April 6, 2011, this Court denied, in part, a stipulation by the parties
5 to extend the trial date. On April 18, 2011, Judge Paul Beeman, of Solano County Superior
6 Court, denied Mr. Spohn's request to extend the trial date in the *Bucedí v. Ensign, et al*, Case No.
7 FCS034505, which is set for a three (3) week jury trial on August 16, 2011. Judge Beeman
8 reasoned that the trial date in his matter was scheduled prior to the scheduling of the *Atondo v.*
9 *Solano County, et al*, trial. Plaintiff's counsel has exercised due diligence in attempting to
10 reschedule the *Bucedí v. Ensign* trial in the Superior Court, and has been proceeding with all
11 deliberate speed to prepare the *Atondo v. Solano County* matter for trial. Plaintiff is not seeking
12 to extend the trial date any more than necessary in order to complete the previously scheduled
13 trial in Solano County Superior Court. Such an extension is required due to the extraordinary
14 circumstances presented by plaintiff's previous counsel's intent to withdraw as trial counsel.

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18 Plaintiff's current counsel has obtained no prior trial date extensions in this matter. On
19 July 13, 2010 this Court approved Plaintiff's prior counsel and defendants' counsel's stipulation
20 to extend the trial date from May 17, 2011 to August 22, 2011. On October 2, 2009, trial was
21 initially set for May 17, 2011. There have been no other extensions of the trial date.

22
23 Plaintiff humbly requests this Court grant the trial date extension requested or in the
24 alternative contact the parties to reschedule the trial.

25 Dated: May 25, 2010

VINCENT M. SPOHN, A P.C.

26
27 By: /S/ VINCENT M. SPOHN
VINCENT M. SPOHN,
Attorneys for Plaintiff
28 GEORGE ATONDO

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2 Dated: May 25, 2010

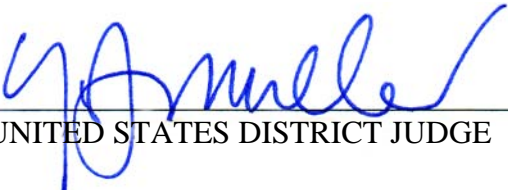
MATHENY SEARS LINKERT

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4 By: /S/ RAYMOND BANGLE
5 As authorized 05/25/11
6 RAYMOND BANGLE,
7 Attorneys for Defendants

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9 **ORDER**

10 IT IS HEREBY ORDERED THAT the trial date is continued from August 22, 2011 to
11 November 29, 2011 and the final pretrial conference set for June 22, 2011 is vacated and reset
12 for September 14, 2011.

13 Dated: June 9, 2011.

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15 _____
16 UNITED STATES DISTRICT JUDGE