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5 ESTATE ENTERPRISES, LLC,
JONOTHAN BENEFIELD, AND JULIE BENEFIELD

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 WALNUT HILL ESTATE ENTERPRISES,
12 LLC, JONOTHAN BENEFIELD, AND
JULIE BENEFIELD,

13 Plaintiffs,

No. 2:09-CV-00500 GEB-GGH

14 STIPULATION AND ORDER
15 CONTINUING SUMMARY JUDGMENT
16 HEARING DATE

17 v.

18 COUNTY OF BUTTE, CITY OF
19 OROVILLE, DAVID GOYER, BECKY
20 FRASER, RAY SANDOVAL, CHRIS
21 GAIL, AND DEREK PRESTESATER,

22 Defendants.
23 _____ /

24 The parties, through their respective counsel of record, stipulate continue the
25 hearing date for summary judgment and/or an alternative partial summary judgment
26 from its currently scheduled date of March 8, 2010, at 9:00 AM, to March 22, 2010, at
27 9:00 AM. The parties stipulate the opposition will be due 14 days before March 22,
28 2010 and the reply will be due 7 days before March 22, 2010. Plaintiffs' basis for this
continuance request is that plaintiffs' counsel is not in a position to file an opposition to
the motion that would be in conformance with the local rules, and fully set forth
plaintiffs' arguments. Due to the press of business, plaintiffs' counsel, a sole
practitioner, simply does not have adequate time to completely and fairly present the

1 plaintiff's opposition under the current time limits. Accordingly, defense counsel has
2 courteously stipulated to the continuance to March 22, 2010. Both counsel have
3 looked at the pre-trial order and are of the opinion that this brief continuance will have
4 no effect on further requirements as set forth in the pre-trial order.

5 DATED: February 18, 2010

Respectfully submitted,

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7 /s/ Frear Stephen Schmid

Frear Stephen Schmid, Attorney for
8 Plaintiffs WALNUT HILL ESTATE
ENTERPRISES, LLC, JONOTHAN
9 BENEFIELD, AND JULIE BENEFIELD

10 DATED: February 18, 2010

LAW OFFICE OF DOUGLAS R. THORN

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12 /s/ Douglas R. Thorn

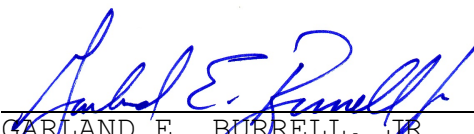
Douglas R. Thorn, Attorneys for
13 Defendants CITY OF BUTTE, CITY
OF OROVILLE, DAVID GOYER,
14 BECKY FRASER, RAY SANDOVAL,
CHRIS GAIL, AND DEREK
15 PRESTESATER

16
17 ORDER

18 Since the parties have agreed to a continuance, defendants' motion for partial
19 summary judgment and/or summary judgment in the alternative, is hereby continued
20 from March 8, 2010 to March 22, 2010, at 9:00 AM, in Courtroom 10, with the parties
21 to serve their respective briefs, with the opposition brief due on or before March 8,
22 2010 and the reply brief due on or before March 15, 2010.

23 The pretrial conference is rescheduled for June 7, 2010, at 11:00 a.m. A joint pretrial
24 statement is to be filed seven days prior to the hearing.

25 Dated: February 22, 2010

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28 Garland E. BURRELL, JR.
United States District Judge