

1 RANDOLPH CREGGER & CHALFANT LLP
ROBERT L. CHALFANT, State Bar No. 203051
2 rlc@randolphlaw.net
3 WENDY MOTOOKA, State Bar No. 233589
wmotooka@randolphlaw.net
4 1030 G Street
Sacramento, CA 95814
5 Phone: 916.443-4443
Fax: 916.443-2124

6 Attorneys for Defendants SACRAMENTO
7 COUNTY SHERIFF'S DEPARTMENT, DEPUTY
TODD, DEPUTY TUCKER, DEPUTY
8 YOUNGBERG, DEPUTY ROSALES, DEPUTY
CATER, DEPUTY MROZINSKI and DEPUTY
9 KACALEK

10 DOWNEY BRAND LLP
FRANK E. NOEY (Bar No. 249676)
11 JULIANNE R. KAY (Bar No. 267158)
621 Capitol Mall, 18th Floor
12 Sacramento, CA 95814-4731
Telephone: (916) 444-1000
13 Facsimile: (916) 444-2100

14 Attorneys for Plaintiff
15 DAVID JOHN BERG

16 UNITED STATES DISTRICT COURT
17 EASTERN DISTRICT OF CALIFORNIA

18 DAVID JOHN BERG,
19
20 Plaintiff,

21 v.

22 JOHN DOES; DEPUTY KAZALEC;
DEPUTY ISLAS; DEPUTY YOUNGBERG;
23 DEPUTY TUCKER; DEPUTY KENDRICK;
DEPUTY CATOR; DEPUTY MROZINSKI;
24 DEPUTY TODD; DEPUTY ROSALES,

25 Defendants.
26

No. 2:09-CV-01492 MCE KJN P

**STIPULATION FOR CONTINUANCE
OF HEARING AND TO EXTEND
DEFENDANT COUNTY'S TIME TO
FILE A RESPONSIVE PLEADING OR
MOTION; [~~PROPOSED~~] ORDER**

Date: ~~November 10, 2011~~

December 8, 2011

Time: 10:00 A.M.

Courtroom: 25, 8th Floor

Judge: The Hon. Kendall J. Newman

27 WHEREAS the hearing on the motion to dismiss and to sever the First Amended
28 Complaint (hereinafter referred to as "Motion to Dismiss/Sever"), brought by defendants

STIPULATION FOR CONTINUANCE AND
EXTENSION; [~~PROPOSED~~] ORDER
Case No. 2:09-cv-01492 MCE KJN

1 DEPUTY TODD, DEPUTY TUCKER, DEPUTY YOUNGBERG, DEPUTY ROSALES,
2 DEPUTY CATER, DEPUTY MROZINSKI and DEPUTY KACALEK, is currently set for
3 November 10, 2011;

4 WHEREAS PLAINTIFF DAVID JOHN BERG's First Amended Complaint adds a newly
5 named defendant, SACRAMENTO COUNTY SHERIFF'S DEPARTMENT, whose initial
6 responsive pleading or motion is currently due on November 1, 2011;

7 WHEREAS the parties are currently engaged in settlement negotiations that may fully
8 resolve this case within the next few weeks; and

9 WHEREAS the parties seek to reduce litigation costs and the expenditure of Court
10 resources by abating all motions practice that would be mooted by settlement;

11 THEREFORE, the parties now hereby stipulate through their counsel of record, as
12 follows:

13 1. Subject to Court approval, the parties agree to continue the hearing date on the
14 currently pending Motion to Dismiss/Sever from November 10, 2011, to December 8, 2011, at
15 10:00 a.m.;

16 2. The deadlines for Plaintiff's opposition and Defendant's reply for the Motion to
17 Dismiss/Sever will be based off the new hearing date of December 8, 2011;

18 3. The parties further agree that the newly named defendant, SACRAMENTO
19 COUNTY SHERIFF'S DEPARTMENT, shall have a four-week extension of time to file its
20 initial responsive pleading or motion, which is presently due on November 1, 2011. Pursuant to
21 this stipulation, the County's initial responsive pleading or motion in this action shall be due on
22 November 29, 2011.

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