

MICHAEL J. HADDAD (State Bar No. 189114)
JULIA SHERWIN (State Bar No. 189268)
GENEVIEVE K. GUERTIN (State Bar No. 262479)
T. KENNEDY HELM (State Bar No. 282319)
HADDAD & SHERWIN LLP
505 Seventeenth Street
Oakland, California 94612
Telephone: (510) 452-5500
Fax: (510) 452-5510

Attorneys for Plaintiff
HARRISON LUTHER ORR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARRISON LUTHER ORR,
Individually,

Plaintiff,

vs.

CALIFORNIA HIGHWAY PATROL, a
public entity; STATE OF CALIFORNIA,
a public entity; CALIFORNIA
HIGHWAY PATROL OFFICERS
BRAME, PLUMB, and DOES 1-10,
individually,

Defendants.

Case No. 2:14-cv-0585-WBS-EFB

**STIPULATION AND PROPOSED
ORDER TO BEGIN HEARING FOR
PLAINTIFF'S AND DEFENDANTS'
MOTIONS FOR SUMMARY
JUDGMENT ON FEBRUARY 23, 2015
AT 3:00 P.M. INSTEAD OF AT 2:00 P.M.**

1 The parties in this case, through their counsel of record, hereby stipulate, and request this
2 Court to order, that the hearing on both Plaintiff's Motion for Summary Judgment (Doc. 50), and
3 Defendants' Motion for Summary Judgment (Doc. 56) scheduled on February 9, 2015 at 2:00
4 p.m., begin instead at 3:00 p.m. This joint request is based on the following:

- 5 1. Plaintiff originally noticed his Motion for Summary Judgment to be heard by this Court on
6 January 12, 2015. Plaintiff asserts that Plaintiff's co-lead counsel, Michael Haddad and Julia
7 Sherwin, chose this date because they knew that scheduling Plaintiff's Motion for Summary
8 Judgment to be heard later than January 12, 2015 would conflict with the trial schedule in
9 *M.H., et al. v. County of Alameda, et al.*, No. C11-2868 JST (MEJ) (N.D. Cal.)—a wrongful
10 death trial involving sixteen defendants scheduled to begin on February 2, 2015 and estimated
11 to last eight weeks, or until about March 26, 2015. Plaintiff also asserts that the trial schedule
12 is from Monday to Thursday, from 8:30 a.m. to 1:30 p.m., with Fridays off.
- 13 2. Defendants then filed their Motion for Summary Judgment on December 29, 2014 (Docs. 56,
14 56-1). Defendants noticed their Motion for Summary Judgment to be heard on February 9,
15 2015.
- 16 3. On December 29, 2014, this Court continued the hearing on Plaintiff's Motion for Summary
17 Judgment from January 12, 2015 to February 9, 2015 so that Plaintiff's Motion for Summary
18 Judgment could be heard together with Defendants' Motion for Summary Judgment (Doc. 59).
19 The Court subsequently continued the hearing to February 23, 2015 (Doc. 61).
- 20 4. Because Plaintiff's co-lead counsel will be in trial in San Francisco until 1:30 p.m. on
21 February 23, 2015, Plaintiff requests that this Court begin the hearing on Plaintiff's and
22 Defendants' Motions for Summary Judgment at 3:00 p.m., instead of at 2:00 p.m., to allow
23 Plaintiff's co-lead counsel to drive from San Francisco to Sacramento.
- 24 5. Defendants' attorneys have no personal knowledge of the facts in ¶¶ 1 and 4, and do not
25 certify their accuracy. Defendants agree to Plaintiff's requested scheduling change provided
26 that: (1) the Court finds good cause and its schedule can accommodate the time change; and
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1 (2) that the proposed Order states that the motion hearing will proceed at 3:00 p.m. on
2 February 23, 2015 whether or not both co-lead counsel for Plaintiff are present.

3 SO STIPULATED.

4 Dated: January 22, 2015

HADDAD & SHERWIN LLP

6 /s/ Michael J. Haddad

MICHAEL J. HADDAD

7 Attorneys for Plaintiff

8 HARRISON LUTHER ORR

9 Dated: January 22, 2015

KAMALA D. HARRIS

Attorney General of California

10 PETER A. MESHOT

Supervising Deputy Attorney General

11 /s/ Stephen C. Pass*

12 STEPHEN C. PASS

Deputy Attorney General

13 Attorney for Defendants

14 CALIFORNIA HIGHWAY PATROL, CHP

OFFICERS BRAME and PLUMB

15 * Mr. Pass provided his consent that this document be electronically filed.
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1 **ORDER**

2 Pursuant to stipulation of the parties and good cause appearing, this Court orders both that
3 the summary-judgment hearing begin at 3:00 p.m. on February 23, 2015 instead of at 2:00 p.m., to
4 allow Plaintiff's co-lead counsel to travel from San Francisco to Sacramento, and that the motion
5 hearing will proceed at 3:00 p.m. on February 23, 2015 whether or not both co-lead counsel for
6 Plaintiff are present. IT IS SO ORDERED.

7 Dated: January 23, 2015

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9 WILLIAM B. SHUBB
10 UNITED STATES DISTRICT JUDGE
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