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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Michael Izell Seals,

Plaintiff,

v.

Officer Rodney K. Mitchell, et al.

Defendants.

CASE NO. C-04-3764 NJV

ORDER ON

STIPULATION FOR EXTENSION OF TIME FOR AMENDING ANSWER AND FILING MOTION TO STRIKE

Defendants John Rynhart and Lyle Thomas filed their Amended Answer to Plaintiffs' Second Amended Complaint on July 30, 2010. Defendants are willing to withdraw the second affirmative defense (official policy or custom), and the parties are in the process of meeting and

conferring with respect to the sufficiency of the first affirmative defense (qualified immunity). In order to give the parties sufficient time to meet and confer with respect to the remaining affirmative defense, and in order to give Defendants sufficient time to amend the Answer, the parties hereby stipulate that Defendants will file a Second Amended Answer on or before September 6, 2010. The parties also stipulate that Plaintiff will have until twenty-one (21) days after service of the Amended Answer to file any motion to strike.

Dated: August 20, 2010

LATHAM & WATKINS LLP
Al Pfeiffer
Ashley Bauer
Meghna Subramanian

By /s Meghna Subramanian
Meghna Subramanian
Attorney for Plaintiff
Michael Izell Seals

Dated: August 20, 2010

JONES & DYER
Mark A. Jones
Kristen K. Preston

By /s Kristen K. Preston
Kristen K. Preston
Attorney for Defendants
John Rynhart
Lyle Thomas

ORDER

The Court having considered the foregoing stipulation of the parties, and good cause appearing, the Court herby orders that Defendants John Rynhart and Lyle Thomas will file an Amended Answer on or before ~~September 6, 2010.~~ ^ September 7, 2010. Plaintiff will have until 21 days after service of the Amended Answer by which to file any motion to strike.

IT IS SO ORDERED.

Dated: 8/20/2010

/s/ Magistrate Judge Nandor J. Vadas
HON. NANDOR J. VADAS
United States Magistrate Judge