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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

ALYSSA MILLER

Plaintiff,

vs.

JUSTIN SHANE LADD, dba THE  
ALIBI RESTAURANT & COCKTAIL  
LOUNGE and DOES ONE to FIFTY  
INCLUSIVE,

Defendants.

) CASE NO. CV 08 5595  
)  
) ORDER ON STIPULATION TO ORDER  
) MODIFYING CASE MANAGEMENT AND  
) PRETRIAL ORDER AND PERMITTING  
) WITHDRAWAL OF EXHIBITS TO  
) PREVIOUSLY-FILED MOTION FOR  
) SUMMARY JUDGMENT

**STIPULATION**

1. Paragraph 3 of the Case Management and Pretrial Order provides that all dispositive motions shall be served and filed no less than thirty-five (35) days prior to the scheduled hearing date which hearing shall occur not later than July 20, 2010;

2. July 20, 2010 was not available for hearing on the Court's calendar and the closest hearing date to July 20, 2010 which was available was July 13, 2010 so defendant's motion for summary judgment was scheduled to be heard July 13, 2010.

STIPULATION TO ORDER MODIFYING CASE MANAGEMENT AND PRETRIAL ORDER AND PERMITTING WITHDRAWAL OF EXHIBITS TO PREVIOUSLY-FILED MOTION FOR SUMMARY JUDGMENT; ORDER THEREON

1           3.    In order to have defendant's motion for summary  
2 judgment heard on July 13, 2010, it was necessary for defendant  
3 to file and serve his motion for summary judgment on June 8,  
4 2010.

5           4.    Defendant served and filed his motion for summary  
6 judgment on June 8, 2010 as required.

7           5.    Defendant subsequently discovered that he had  
8 inadvertently failed to redact plaintiff's personal information  
9 from the exhibits to the declaration of Chris Hamer in support  
10 of the motion for summary judgment prior to filing with the  
11 court.

12           6.    Defendant wishes to remove the Exhibits to the  
13 Declaration of Chris Hamer and re-file the Exhibits with the  
14 personal information redacted. Defendant is unable to do so  
15 unless the Case Management and Pretrial Order is modified to  
16 permit the motion to be heard less than thirty-five (35) days  
17 after the Exhibits are re-filed in order to preserve the July  
18 13, 2010 hearing.

19           7.    Defendant has re-filed such redacted exhibits on this  
20 day, June 9, 2010, and instructed the e-file help desk of the  
21 United States District Court, Northern District of California to  
22 lock the un-redacted exhibits from public access.

23           IT IS THEREFORE STIPULATED by and between plaintiff Alyssa  
24 Miller, by and through her attorney of record, Jason Singleton,  
25 and defendant Justin Shane Ladd, dba The Alibi Restaurant &  
26 Cocktail Lounge, by and through his attorneys of record, Stokes,  
27 Rowe, Hamer & Kaufman, LLP, by Chris Johnson Hamer, that an  
28 Order shall issue:

STIPULATION TO ORDER MODIFYING CASE MANAGEMENT AND PRETRIAL ORDER AND PERMITTING  
WITHDRAWAL OF EXHIBITS TO PREVIOUSLY-FILED MOTION FOR SUMMARY JUDGMENT; ORDER THEREON

1 1. Modifying Paragraph 3 of the Case Management and  
2 Pretrial Order concerning Motions to permit defendant's motion  
3 for summary judgment to be served and filed not less than  
4 thirty-four (34) days before the hearing;

5 2. To remove the Exhibits to the Declaration of Chris  
6 Hamer in support of the Motion for Summary Judgment filed as  
7 Exhibits 1-3 of the Declaration of Chris Hamer and Exhibits 4-8  
8 of the Declaration of Chris Hamer, docket #52, served and filed  
9 June 8, 2010.

10  
11 SO STIPULATED.

12  
13  
14 Dated: STOKES, ROWE, HAMER & KAUFMAN, LLP

15  
16 By \_\_\_\_\_  
17 Chris Johnson Hamer  
18 Attorneys for Defendant Justin Shane  
19 Ladd

20  
21 Dated: SINGLETON LAW GROUP

22  
23 By \_\_\_\_\_  
24 Jason K. Singleton  
25 Attorneys for Plaintiff Alyssa Miller  
26  
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1 ORDER

2 Upon reading the above Stipulation and good cause appearing  
3 therefore,

4 IT IS HEREBY ORDERED that:

5 1. The first sentence of Paragraph 3 of the Case  
6 Management and Pretrial Order entered in this proceeding on or  
7 about January 22, 2010 shall be, and hereby is, modified to  
8 provide as follows:

9 "3. MOTIONS  
10

11 All dispositive motions shall be served and filed  
12 not less than thirty-four (34) days prior to the  
13 scheduled hearing date which hearing shall occur not  
14 later than July 20, 2010."

15 in order to preserve the July 13, 2010 hearing  
16 date.

17 2. Exhibits 1-3 of the Declaration of Chris Hamer and  
18 Exhibits 4-8 of the Declaration of Chris Hamer in Support of the  
19 Motion for Summary Judgment of Defendant Justin Shane Ladd, dba  
20 The Alibi Restaurant & Cocktail Lounge, as filed within docket  
21 #52 on June 8, 2010, be removed.

22 IT IS SO ORDERED.

23 Dated: June 11, 2010

24 

25 Nandor J. Vadas  
26 United States Magistrate Judge  
27  
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