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 14 OSCAR GATES

15 UNITED STATES DISTRICT COURT
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 COLLEEN MARY ROHAN, ex rel. OSCAR GATES,

18 Petitioner,

19 v.

20 KEVIN CHAPPELL,
 21 Warden, California State Prison at San Quentin,

22 Respondent.

C88-2779 WHA

DEATH PENALTY CASE

**PARTIES' STIPULATION
 AND ~~PROPOSED~~
 ORDER EXTENDING TIME
 TO FILE REPLY BRIEF
 (N.D.L.R. 5-1(i)(3), 7-11,
 7-12)**

23 TO: THE HONORABLE WILLIAM H. ALSUP, UNITED STATES DISTRICT JUDGE;
 24 GREGG ZYWICKE AND GLENN PRUDEN, DEPUTY ATTORNEYS GENERAL; AND TO
 25 RICHARD W. WIEKING, CLERK OF THE UNITED STATES DISTRICT COURT:

26 Pursuant to Northern District Local Rules, Rules 7-11 and 7-12, the parties hereby present
 27 this stipulation and proposed Order, extending time for petitioner to file a reply brief in support
 28 of his motion for transfer and restoration, through and including November 21, 2013.

On October 23, 2013, petitioner's counsel filed a motion for transfer and restoration , see
 Doc. 617. On November 6, 2013, respondent's counsel filed an opposition. See Doc. 621. On
 November 7, 2013, a further settlement conference was held, see Doc. 622, at which the Court
 requested that petitioner's counsel prepare and submit certain materials. Later on November 7,
 2013, the Warden filed another opposition to the motion, see Doc. 623, along with a supporting
 declaration. See Doc. 624.

1 Petitioner's reply brief being due seven days after any opposition's filing date or due date,
2 respectfully requests an extension of time to and including November 21, 2013, in which to file
3 the reply.

4 Since the November 7, 2013, settlement conference, petitioner's counsel have been
5 occupied with preparing the materials directed by the Magistrate Judge, see Doc. 622, and
6 preparing a budget proposal for these and related events.

7 On November 12, 2013, petitioner's co-counsel, Tim Brosnan, exchanged e-mails with
8 respondent's counsel, Gregg Zywicke, and advised of this request. Mr. Zywicke authorized
9 petitioner to represent that respondent's counsel has no opposition to this request and stipulates
10 to the Court granting it. Per N.D. Local Rules, rule 5-1 (i) (3), I attest that concurrence in the
11 filing of the document has been obtained from each of the other signatories listed below.

12 Petitioner will be glad to submit a more detailed showing if the Court finds that
13 appropriate. There have been no prior requests to extend the date and the time requested is
14 relatively brief.

15 Per N.D. Local Rules, rule 7-12, a proposed Order is provided on the following page.

16 **STIPULATION**

17 The parties stipulate to the Court extending the time for petitioner to file its reply brief on
18 or before November 21, 2013.

19
20 DATED: November 12, 2013

/s/ Gregg Zywicke
GREGG ZYWICKE
GLENN PRUDEN
Deputy Attorneys General,
Counsel for Respondent

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23 It is so stipulated.

24 DATED: November 12, 2013

/s/ Tim Brosnan
WILLIAM L. OSTERHOUDT
TIM BROSNAN
Counsel for Petitioner,
OSCAR GATES

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~~(Proposed)~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 15, 2013



HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT JUDGE