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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
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11 K.S., a minor, by and through her parents, P.S.  
 12 and M.S.

CASE NO. C 06-07218 SI

13 Plaintiff,

**JOINT STIPULATION TO CHANGE TIME**

14 vs.

Civil L.R. 6-2

15 FREMONT UNIFIED SCHOOL DISTRICT

Honorable Judge Susan Illston

16 Defendant.

17  
 18 Plaintiff K.S., by and through her parents, P.S. and M.S. (“Plaintiff”) and  
 19 Defendant Fremont Unified School District (“Defendant”) hereby stipulate to a changing of time  
 20 in this matter, pursuant to Civil L.R. 6-2:  
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22 **RECITALS**

23 WHEREAS, this Court granted in part and denied in part cross motions for summary  
 24 judgment and remanded this matter to the Office of Administrative Hearings (“OAH”) [Docket  
 25 #145].

26 WHEREAS, the OAH convened a remand due process hearing on February 23, 24 and 25,  
 27 2009.

28 WHEREAS, this Court held a Case Management Conference on June 30, 2009 and agreed

1 that the parties would file supplemental briefs and opposition briefs, with a hearing date on  
2 November 13, 2009, based upon the Parties agreement [Docket # 185];

3 WHEREAS this Court ordered for the parties in this matter to file Supplemental briefs by  
4 October 16, 2009 [Docket # 185];

5 WHEREAS this Court ordered parties in this matter to file opposition briefs to be filed by  
6 October 30, 2009 [Docket # 185];

7 WHEREAS, this Court also set a hearing date on the supplemental briefing for November  
8 13, 2009, pursuant to the parties agreement at that time [Docket # 185];

9 WHEREAS, the parties filed their supplemental briefs on October 16, 2009 [Docket 193 &  
10 195];

11 WHEREAS, the Plaintiff filed an additional motion, captioned *Daubert* Motion to Exclude  
12 [Docket #190], with a noticed hearing date of November 20, 2009;

13 WHEREAS, the parties have conferred and agreed to consolidate the hearing dates  
14 currently on calendar by extending the date for oral argument, currently set for November 13,  
15 2009, by one week;

16 WHEREAS the parties have conferred and agreed to extend by one week the due date for  
17 their opposition briefs, thereby making them due November 6, 2009;

18  
19 Accordingly, IT IS HEREBY STIPULATED BY THE PARTIES as follows:  
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21 **STIPULATION**

- 22 1. Parties agree to change time and extend the due date for their opposition motions  
23 and the date for the hearing of oral argument regarding the parties supplemental  
24 briefings;
- 25 2. Parties agree that their opposition briefs will not be due on October 30, 2009;
- 26 3. Parties agree to submit opposition briefs by November 6, 2009;
- 27 4. Parties agree to vacate the November 13, 2009 hearing date;
- 28 5. Parties agree to present oral argument to this Court regarding both the *Daubert*

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Motion to Exclude and the Supplemental briefings on November 20, 2009 at 9  
a.m.;

DATED: October 23, 2009

LEIGH LAW GROUP

By: /s/ Mandy G. Leigh  
Mandy Leigh  
Attorney for Plaintiff

DATED: October 23, 2009

By: /s/ Sarah Sutherland  
Sarah Sutherland  
Attorney for Defendant

I, MANDY LEIGH, am the ECF User whose ID and password are being used to file this  
JOINT STIPULATION TO PERMIT FILING OF PLAINTIFF’S THIRD AMENDED  
COMPLAINT AND DISMISS NON-IDEA CLAIMS; [PROPOSED] ORDER. In compliance  
with General Order 45, X.B., I hereby attest that counsel for Defendants to the above-titled action  
have concurred in this filing.

DATED: October 23, 2009

/s/ Mandy G. Leigh  
Mandy G. Leigh  
Attorney for Plaintiff

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

K.S., a minor, by and through her parents, P.S.  
and M.S.

Plaintiff,

vs.

FREMONT UNIFIED SCHOOL DISTRICT

Defendant

CASE NO. C-06-07218 SI

**[PROPOSED] ORDER CHANGING TIME**

Civil L.R. 6-2

The Court, having reviewed and considered the STIPULATION TO CHANGE TIME (“Stipulation”) does hereby ORDER:

1. The parties’ opposition briefs will no longer be due on October 30, 2009, as previously required by an order of this Court [Docket # 185];
2. Both parties’ opposition briefs will be filed by November 6, 2009;
3. The November 13, 2009 hearing date in this matter is vacated;  
Dec. 2, 2009 @ 4 p.m.
4. This matter will be continued until ~~November 20, 2009~~ when parties will be available to present oral argument to this Court regarding Plaintiff’s *Daubert* Motion to Exclude [Docket #190] and the post remand supplemental briefings [Docket # 193 and #195], as well as the parties respective oppositions;

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**



DATED:

\_\_\_\_\_  
The Honorable Susan Illston

Judge of the United States District Court  
For the Northern District of California