REDWOOD CITY, CALIFORNIA 94061

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JOSEPH C. HOWARD, JR. [SBN: 050784] 1 TODD H. MASTER [SBN: 185881] 2 HOWARD ROME MARTIN & RIDLEY LLP 1775 Woodside Road, Suite 200 Redwood City, CA 94061 3 Telephone: (650) 365-7715 Facsimile: (650) 364-5297 Attorneys for Defendants KENNETH VITORELO, 5 JACK AIELLO and CITY OF SAN CARLOS 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 11 JEFFREY A. HOWELL and SHELLEY H.K. HOWELL. 12 Plaintiffs, 13 VS. 14 KENNETH VITORELO, individually and in his 15 capacity as a San Carlos Building Inspector; JACK AIELLO, individually and in his capacity as the San Carlos Building Official; CITY OF 16 SAN CARLOS, 17 Defendants.

Case No. C 07-06086 MMC

ORDER APPROVING

STIPULATION TO CONTINUE **HEARINGS ON PLAINTIFFS' AND DEFENDANTS' RESPECTIVE MOTIONS** FOR SUMMARY JUDGMENT AND/OR SUMMARY ADJUDICATION

Pursuant to ND CA Rule 7-7(b), IT IS HEREBY STIPULATED by and between the parties hereto, through their respective attorneys of record, that the hearings on the Motions for Summary Judgment or, Alternatively, Summary Adjudication, filed by Defendants CITY OF SAN CARLOS, KENNETH VITORELO, and JACK AIELLO (collectively, "Defendants") and Plaintiffs JEFFREY HOWELL and SHELLEY H.K. HOWELL (which are both currently scheduled to be heard on December 19, 2008 at 9:00 a.m. before the Honorable Maxine M. Chesney), be continued to January 9, 2008 at 9:00 a.m. The parties have not previously stipulated to continue the hearing

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1	date and make this request based on the tentative settlement reached at the December 10, 2008
2	Settlement Conference held before Magistrate Joseph C. Spero. The motions have been fully
3	briefed.
4	Date: December 12, 2008 HOWARD ROME MARTIN & RIDLEY LLP
5	
6	By: /s/ Todd H. Master
7	Todd H. Master Attorneys for Defendants
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9	Date: December 12, 2008
10	By:/s/ Gerald V. Barron Gerald V. Barron, Esq.
11	Attorney for Plaintiffs
12	ORDER
13	Pursuant to the above stipulation, it is hereby ordered that the hearing on the Motions for
14	Summary Judgment and/or Summary Adjudication filed by Defendants and Plaintiffs are continued
15	2009 to January 9, 2008 at 9:00 a.m. in Courtroom 7.
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17	Date: December 15, 2008 By: Maxine M. Chesney
18	Hon. Maxine M. Chesney
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