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8 Attorneys for Defendants
 9 GAVIN NEWSOM, HEATHER FONG AND
 CITY AND COUNTY OF SAN FRANCISCO

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 ANDREW COHEN,
 14 Plaintiff,

15 vs.

16 GAVIN NEWSOM, HEATHER FONG,
 17 CITY AND COUNTY OF SAN
 FRANCISCO, GO DADDY GROUP,
 18 INC. and DOES 1-100,
 19 Defendants.

Case No. CV-08-1443 SI

**STIPULATION AND [PROPOSED]
 ORDER TO MODIFY PRETRIAL
 PREPARATION ORDER**

Trial Date: None set

1 The undersigned parties, through their attorneys of record, stipulate to the entry of an order
 2 modifying the Pretrial Preparation Order, filed July 25, 2008 ("Pretrial Preparation Order") as
 3 follows for the reasons stated below:

4 **RECITALS**

5 A. The parties have diligently litigated this case since its inception. They have served
 6 written discovery, and begun depositions, including the deposition of plaintiff Andrew Cohen.
 7 Because plaintiff's counsel has been in trial for the past few months, the parties have been unable to
 8 complete discovery tasks, including the critical deposition of the person most knowledgeable at Go-
 9 Daddy, Inc., that they deem necessary for adequate preparation of this case for trial and to file a
 10 dispositive motion. Plaintiff's counsel expects to be unavailable until the middle of November, well
 11 after the October 31, 2008 deadline to file dispositive motions. Consequently, In light of these
 12 difficulties, counsel agree that the current discovery cutoff and dispositive motion dates are
 13 unworkable, and have stipulated and request the Court to allow additional time to file a motion for
 14 summary judgment that may dispose of this action. Additionally, because counsel for the City will
 15 be on paternity leave in late January and early February, the parties have stipulated to moving the
 16 hearing date on the motion until after the City counsel's paternity leave and to a date that will allow
 17 counsel sufficient time to file a reply memorandum in support of the City's motion.

18 B. The parties wish to modify the Pretrial Preparation Order to allow them to complete
 19 necessary discovery, including meaningful expert designations.

20 **AGREEMENT**

21 For the foregoing reasons, the parties stipulate to entry of an order as follows:

22 The following discovery-related and dispositive motion deadlines shall be modified as
 23 follows:

Event	Current deadline	Proposed deadline
1. Dispositive motions filed	October 31, 2008	December 22, 2008
2. Dispositive motions heard	December 4, 2008	February 27, 2009
3. Further Case Management Conference Statement	November 19, 2008	February 13, 2009

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	4. Further Case Management Conference	December 4, 2008	February 27, 2009
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Dated: October 8, 2008

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Attorney
WARREN METLITZKY
Deputy City Attorney

By: _____ /s/

WARREN METLITZKY
Attorneys for Defendants

[The filer of this document attests that concurrence in the filing of
this document has been obtained from plaintiff's attorney below,
and shall serve in lieu of his signature.]

Dated: October 8, 2008

LAW OFFICES OF DANIEL HOROWITZ

By: _____ /s/

DANIE HOROWITZ
Attorney for Plaintiff

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW COHEN,
Plaintiff,

vs.

GAVIN NEWSOM, HEATHER FONG,
CITY AND COUNTY OF SAN
FRANCISCO, GO DADDY GROUP,
INC. and DOES 1-100,
Defendants.

Case No. CV-08-1443 SI

**[PROPOSED] ORDER MODIFYING
PRETRIAL PREPARATION ORDER**

Based on the parties' stipulation, and for good cause shown,

IT IS ORDERED THAT:

1. The Pretrial Preparation Order filed July 25, 2008 shall be modified as follows:

Event	Current deadline	Proposed deadline
1. Dispositive motions filed	October 31, 2008	December 22, 2008
2. Dispositive motions heard	December 4, 2008	February 27, 2009
3. Further Case Management Conference Statement	November 19, 2008	February 13, 2009
4. Further Case Management Conference	December 4, 2008	February 27, 2009

2. The remaining dates specified in the Pretrial Preparation Order Case Management shall remain unchanged.

IT IS SO ORDERED.

DATED: _____

 HON. SUSAN ILLSTON
 United States District Judge