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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12
 13 **CARLOS A. HAWTHORNE,**

14 Plaintiff,

15 v.

16 **R. AYERS, Jr., et al.,**

17 Defendants.
 18

C 08-1473 WHA

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING HEARING ON
 DEFENDANTS' MOTION TO DISMISS
 UNDER RULE 12(b)(6)**

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1 The following stipulation requests that the hearing on Defendants' motion to dismiss, set
2 for December 15, 2011, be extended to January 12, 2012 in order to provide the parties with
3 additional time to finalize the settlement agreement and file a dismissal in the case.

4 **STIPULATION**

5 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Carlos Hawthorne and Defendants
6 Cota, Lee, Robinson, Cruz, Pickett, Holt, and Fox, by and through their respective counsel,
7 stipulate and request as follows:

8 1. The parties reached an agreement to settle the case during a November 30, 2011
9 settlement conference before Magistrate Judge Cousins;

10 2. This Court continued the December 1, 2011 hearing on Defendants' motion to
11 dismiss to December 15, 2011 to allow time for the dismissal to be filed;

12 3. The parties are in the process of drafting the settlement agreement, but require
13 additional time to have the terms of the agreement further reviewed by both Plaintiff Hawthorne
14 and Defendants, and to file the dismissal;

15 4. With respect to Civil L.R. 6-2(a)(1), the parties have conferred and agree that
16 extension of the deadline is desirable because it will enable them to prepare the settlement
17 agreement and related documents;

18 5. With respect to Civil L.R. 6-2(a)(2), the previous time modifications in this action
19 include: (a) Defendants' motion to change time to file a dispositive motion, which was granted by
20 this Court on November 2, 2009 (Docket No. 48), and (b) Plaintiff's motion for an extension of
21 time to file a second amended complaint, which was granted by this Court on October 29, 2010
22 (Docket No. 66).

23 6. With respect to Civil L.R. 6-2(a)(3), a continuance of the hearing to January 12, 2012
24 will not delay other deadlines in the case, since the matter has settled.

25
26 THEREFORE, THE PARTIES HEREBY STIPULATE AND REQUEST that the Court
27 continue the hearing on Defendants' motion to dismiss to January 12, 2012.

28 By his signature below, and pursuant to General Order 45, counsel for Defendants attests

1 that counsel for all parties whose electronic signatures appear below have concurred in the filing
2 of this Stipulation.

3
4 Dated: December 13, 2011 By: /s/ Jacob Foster
KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
5 *Attorneys for Plaintiff Carlos Hawthorne*

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7 Dated: December 13, 2011 By: /s/ Michael J. Quinn
8 *Attorneys for Defendants Cota, Lee, Robinson, Cruz,*
9 *Pickett, Holt, and Fox*

10 **ORDER**

11
12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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15 Dated: December 14, 2011. 
16 _____
17 William Alsup
18 UNITED STATES DISTRICT JUDGE

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