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5 Attorneys for Plaintiff  
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7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	PEDRO GOMEZ,	)	Case No. C-08-2969 MMC (PR)
12		)	
13	Plaintiff,	)	STIPULATION AND ORDER FOR
14	v.	)	CONTINUANCE OF CASE
15		)	MANAGEMENT CONFERENCE
16	DR. MERLE SOGGE, et al.,	)	AND RELATED DATES
17	Defendants.	)	
		)	Current Date: December 16, 2011
		)	Time: 10:30
		)	Dept.: Courtroom No. 7
		)	Judge: Maxine M. Chesney

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 19 Plaintiff Pedro Gomez ("Plaintiff") and Defendants D. Quam, and Defendant R. Mills,  
 20 through their respective attorneys of record, stipulate as follows:

- 21 1. Pursuant to the Court's Case Management Conference Order Issued November 1, 2001  
 22 the following orders were issued:
- 23 a. A Case Management Conference in this action was set for December 16, 2011  
 24 at 10:30 a.m. in Courtroom No. 7, 19<sup>th</sup> floor Federal Building by the Court's Order dated  
 25 November 1, 2011;
  - 26 b. Plaintiff was directed to serve copies of the Court's Order and the copies of the  
 27 Court's Standing Orders at once on all parties to this action, and on any parties subsequently  
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1 joined, in accordance with the provisions of Fed.R.Civ.P. 4 and 5;

2 c. Plaintiff was ordered to file a certificate of service with the Clerk of this Court  
3 following service;

4 d. All counsel were directed to confer in advance of the Case Management  
5 Conference with respect to all of the agenda items listed in the Standing Order for All Judges of  
6 the Northern District of California/Contents of Joint Case Management Statement.

7 e. Not less than seven days before the conference, counsel were directed to file a  
8 joint case management statement addressing each agenda item listed in the content of the Joint  
9 Case Management Statement.

10 f. If any counsel fails to file a joint statement, counsel shall file a joint statement  
11 setting forth the grounds for such failure.

12 g. Each party is to be represented at the Case Management Conference by  
13 counsel prepared to address all of the matters referred to in the Courts Case Management  
14 Conference Order;

15 e. If any party request to reschedule the scheduled dates, the request shall be  
16 made in writing, and, if possible by stipulation and such request shall be made no less than ten  
17 days before the scheduled conference date.

18 2. On October 26, 2011 by order of this Court, Roger Hughes, Esq. of Kilpatrick  
19 Townsend & Stockton LLP was appointed as counsel for plaintiff pursuant to 28 U.S.C. §1915  
20 (e)(1) and the Courts Federal Pro Bono Project guidelines.

21 3. Mr. Hughes received the Court's Case Management Order on November 2 and he has  
22 received notification that a signed engagement letter from Mr. Gomez agreeing to his  
23 appointment has been mailed. Mr. Hughes notified Mr. Maiorino on November 7<sup>th</sup> that he had a  
24 conflict with the December 16<sup>th</sup> date due to a required court appearance in San Mateo Superior  
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Court on the same day.


4. Mr. Maiorino and Mr. Hughes conferred with respect to acceptable dates for a continued CMC date and it was agree that subject to this Court's approval the most convenient date to reschedule the CMC would be December 30, 2011 for the reasons that (1) Mr. Hughes is scheduled to start a two week jury trial in Contra Costa County Superior Court on November 28<sup>th</sup> and (2) Mr. Maiorino is scheduled to be out of town on December 23, 2011.

5. In light of the above, the parties hereby stipulate and request that the Court continue the Case Management Conference currently scheduled for December 16, 2011 at 10:30 a.m. to December 30, 2011 at 10:30 a.m. in Courtroom No. 7, 19<sup>th</sup> Floor Federal Building, San Francisco, California and that all dates relevant to the Case Management Conference be continued accordingly.

**IT IS SO STIPULATED**

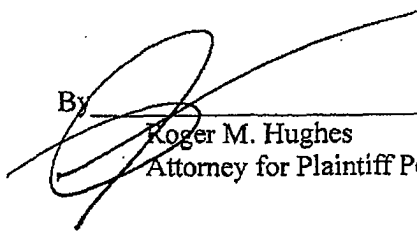
Dated: November 15, 2011

STATE OF CALIFORNIA,  
DEPARTMENT OF JUSTICE

By   
Trace O. Maiorino  
Deputy Attorney General for Defendants

Dated: November 15, 2011

KILPATRICK, TOWNSEND & STOCKTON LLP

By   
Roger M. Hughes  
Attorney for Plaintiff Pedro Gomez

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**ORDER**

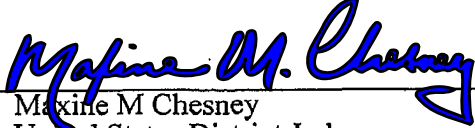
PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that all orders set forth in the Court's Case Management Conference Order issued November 1, 2011 remain in effect except as follows:

January 13, 2012

1. The date for the hearing is continued to ~~December 30, 2011~~ before the Honorable Maxine M. Chesney at 10:30 a.m. in Courtroom No. 7, 19<sup>th</sup> floor Federal Building..
2. The associated dates set forth in the *Standing Order for All Judges of the Northern District of California/Contents of Joint Case Management Statement* are adjusted accordingly.

**IT IS SO ORDERED.**

Dated: November 18, 2011

By:   
Maxine M Chesney  
United States District Judge