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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 ALBERTO ROCHA, Ph.D.) No. 08-3049 MHP

14 Plaintiff,)

15 v.)

16 HILDA L. SOLIS, Secretary, Department of)
 Labor,)

17 Defendant.)

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STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE SUMMARY
 JUDGMENT HEARING DATE AND
 RELATED BRIEFING SCHEDULE

1 The plaintiff, Alberto Rocha (“Plaintiff) and the defendant Hilda Solis, Secretary of
2 Department of Labor (“Defendant”) by and through their counsel assert as follows:

3 WHEREAS, on August 6, 2009, the Honorable Marilyn H. Patel issued an Order
4 pursuant to the parties’ Stipulation To Continue Hearing and Discovery Deadlines (“Order”);

5 WHEREAS, pursuant to the Order the summary judgment hearing date was continued to
6 December 14, 2009;

7 WHEREAS, Assistant United States Attorney Andrew Y.S. Cheng left the United States
8 Attorney’s Office to become a Superior Court Judge on September 16, 2009;

9 WHEREAS, upon Mr. Cheng’s departure, the undersigned Assistant United States
10 Attorney Melissa K. Brown, became lead counsel for this case;

11 WHEREAS, the undersigned Assistant United States Attorney must review a voluminous
12 amount of materials in this case prior to filing a motion for summary judgment and balance her
13 existing caseload and trial schedule;

14 ACCORDINGLY, it is hereby agreed by the parties, by and through their counsel, that the
15 summary judgment hearing be continued to February 22, 2010. The Defendant’s motion for
16 summary judgment shall be due on January 18, 2010. The Plaintiff’s opposition shall be due on
17 February 1, 2010 and the Defendant’s reply brief shall be due on February 8, 2010.

18 So Stipulated.

19 DATED: September 29, 2009

Respectfully submitted,

20 JOSEPH P. RUSSONIELLO
21 United States Attorney

22 /s/ Melissa Brown

23 MELISSA K. BROWN
Assistant United States Attorney

24 DATED: September 29, 2009

25 /s/ Howard Moore JR.

26 HOWARD MOORE, JR.
27 Attorney for the Plaintiff Alberto Rocha

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties, the summary judgment hearing is continued to February 22, 2010. The Defendant's motion for summary judgment shall be due on January 18, 2010. The Plaintiff's opposition shall be due on February 1, 2010 and the Defendant's reply brief shall be due on February 8, 2010.

IT IS SO ORDERED

Dated: 9/30/2009

