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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 September 30, 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 Defendant’s motion for summary judgment is due
6 on or before January 18, 2010, and the Plaintiff’s Opposition is due February 1, 2010, and the
7 Defendant’s Reply brief is due February 8, 2010 and hearing on summary judgment was
8 scheduled for February 22, 2010;

9 WHEREAS, pursuant to Stipulation of the parties, on January 4, 2010, the Court issued
10 an Order for Settlement Conference to occur, if possible, prior to January 18, 2010;

11 WHEREAS, the parties will not be able to participate in a Settlement Conference until at
12 least April 7, 2010;

13 ACCORDINGLY, it is hereby agreed by the parties, by and through their counsel, and
14 respectfully requested that the summary judgment hearing be continued to April 26, 2010. The
15 Defendant’s motion for summary judgment shall be due on March 22, 2010. The Plaintiff’s
16 opposition shall be due on April 5, 2010 and the Defendant’s reply brief shall be due on April 12,
17 2010.

18 So Stipulated.

19 DATED: January 19, 2010

Respectfully submitted,

20 JOSEPH P. RUSSONIELLO
21 United States Attorney

22 /s/ Melissa Brown

23 MELISSA K. BROWN
Assistant United States Attorney

24 DATED: January 19, 2010

25 /s/ Howard Moore JR.

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

[PROPOSED] ORDER

Pursuant to the stipulation of the parties, the summary judgment hearing is continued to April 26, 2010. The Defendant's motion for summary judgment shall be due on March 22, 2010. The Plaintiff's opposition shall be due on April 5, 2010 and the Defendant's reply brief shall be due on April 12, 2010.

IT IS SO ORDERED

Dated: 1/20/10



MARILYN H. PATEL
United States District Court Judge