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8 UNITED STATES DISTRICT COURT
 NORTHER DISTRICT OF CALIFORNIA

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10 ROBERT SIMON,
 11 Plaintiff,

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13 vs.

14 SHERIFF THOMAS D. ALLMAN,
 COUNTY OF MENDOCINO and
 15 DOES 1-20, inclusive,
 16 Defendants.

Case No.: C-08-03380-EDL

**STIPULATION AND ORDER RE
 DEFENDANTS' MOTION TO
 DISMISS PURSUANT TO F.R.C.P.
 RULE 12(b)(6)
 AS MODIFIED**

Magistrate Judge Elizabeth D. Laporte

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STIPULATION

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The parties hereto, hereby stipulate that the court may enter its order dismissing
 19 Count III of plaintiff's complaint.

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The parties further stipulate that the court may continue its Case Management
 21 Conference, currently set for October 31, 2008, to November 18, 2008 at ~~9:00~~ a.m.

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Dated: October 6, 2008

By: /S/
 JAMES F. DeMARTINI
 Attorney for Plaintiff

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Dated: October 6, 2008

By: /S/
 DOUGLAS L. LOSAK
 Attorney for Defendants
 County of Mendocino and
 Sheriff Thomas D. Allman

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ORDER

The parties having stipulated thereto, IT IS ORDERED, that Count III of plaintiff's Complaint is hereby stricken in its entirety and the Case Management Conference currently set for October 31, 2008 is continued until November 18, 2008 at ~~9:00 a.m.~~ 10:00 AM. Joint case management statement shall be filed November 12, 2008.

Dated: October 6, 2008

