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6 Attorneys for Defendant
 STEPHEN M. RAFFLE, M.D.
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT DISTRICT OF CALIFORNIA
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12 CHRISTOPHER YANKE,
 13 Plaintiff(s),

14 vs.

15 CITY OF OAKLAND, WAYNE TUCKER,
 DEBRA TAYLOR JOHNSON, KENNETH
 16 PARRIS, STEPHEN RAFFLE, M.D., AND
 DOES 1-10,
 17 Defendant(s).
 18

Case No.: C-08-04379 EDL

**STIPULATION AND ORDER TO
 CONTINUE DEFENDANTS CITY OF
 OAKLAND, WAYNE TUCKER,
 DEBRA TAYLOR JOHNSON AND
 KENNETH PARRIS' MOTION TO
 DISMISS; TO CONTINUE THE
 INITIAL CASE MANAGEMENT
 CONFERENCE AND TO CONTINUE
 THE DEADLINE TO EXCHANGE
 INITIAL DISCLOSURES**

Trial Date: NONE

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 21 Defendant STEPHEN M. RAFFLE, M.D., Defendants CITY OF OAKLAND, WAYNE
 22 TUCKER, DEBRA TAYLOR JOHNSON AND KENNETH PARRIS ("CITY
 23 DEFENDANTS") and Plaintiff CHRISTOPHER YANKE stipulate, through their respective
 24 counsels of record, as follows:

25 1. To continue the CITY DEFENDANTS' Motion to Dismiss, currently set for
 26 hearing on December 16, 2008 to January 13, 2009.
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28 STIPULATION AND ORDER TO ALLOW DEFENDANT STEPHEN M. RAFFLE, M.D. TO JOIN THE CITY
 DEFENDANTS MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) SET FOR HEARING ON DECEMBER 16, 2008, OR
 IN THE ALTERNATIVE TO CONTINUE THE HEARING DATE TO DECEMBER 23, 2008

1 2. To continue the Initial Case Management Conference, currently set for December
2 23, 2008 to January 27, 2009.

3 3. To continue the deadline to exchange initial disclosures currently set for
4 December 9, 2008 to January 23, 2009.

5 4. Good cause exists for the above requests. Defendant Dr. RAFFLE was served
6 with this lawsuit, while it was venued in state court, on or about August 19, 2008. On September
7 18, 2008, the CITY DEFENDANTS removed the case to federal court. Dr. RAFFLE was not
8 notified of said removal. On or about November 6, 2008, this matter was assigned for handling
9 to Robert T. Lynch and Claudia Lozano, attorneys with Lynch, Gilardi & Grummer. Dr.
10 RAFFLE's attorneys were provided with the Summons and Complaint served on Dr. RAFFLE.
11 They attempted to look up the case on the Alameda Superior Court's website, however, they
12 were informed that it was not available for on-line viewing. Dr. RAFFLE's attorneys contacted
13 the Court and were informed that the case had been removed to federal court. Dr. RAFFLE's
14 attorneys immediately went on to the Northern District's website and downloaded all of the
15 information and documents available since the date of the removal. This is when Dr. RAFFLE's
16 attorneys discovered that a Motion to Dismiss by the CITY DEFENDANTS was pending before
17 the Court. Dr. RAFFLE's attorneys contacted the attorneys for the CITY DEFENDANTS and
18 the attorney for plaintiff to request that they stipulate to the above requests to provide Dr.
19 RAFFLE's attorneys with an opportunity to get caught up to speed with this case and the
20 proceedings to date. Dr. RAFFLE will be filing a Motion to Dismiss and anticipates that he will
21 be joining the CITY DEFENDANTS' Motion to Dismiss.


22 5. There is no prejudice to the parties or to the Court if an Order is made continuing
23 the CITY DEFENDANTS' Motion to Dismiss to January 13, 2009. Said Order would afford Dr.
24 RAFFLE an opportunity to file his Motion to Dismiss and have both motions heard together.
25 This Stipulation in no way is a waiver of any rights that the plaintiff has to oppose Dr.
26 RAFFLE's filing of his Motion to Dismiss.

1 6. The parties have met and conferred and have agreed to the new proposed date for
2 the hearing on defendants' Motions to Dismiss. The parties further agree that continuing the
3 deadline to exchange initial disclosures as well as the date of the Initial Case Management
4 Conference to dates after the hearings on the defendants' motions to dismiss is in the best interest
5 of the parties and makes efficient use of the Court's time and resources.

6 7. The parties stipulate that a copy of a signature transmitted by any electronic
7 means including, but not limited to, facsimile machine and scanned document transmitted via e-
8 mail will have the same force and effect as an original signature.

10 DATED: November 19, 2008

LYNCH, GILARDI & GRUMMER

11
12 By 
13 Robert T. Lynch
14 Claudia Lozano
15 Attorneys for Defendant
STEPHEN M. RAFFLE, M.D.

16 DATED: November 14, 2008

KNISBACHER LAW OFFICES

17
18 By: S/Alden Knisbacher
19 Alden Knisbacher
20 Attorney for Plaintiff CHRISTOPHER YANKE

21 DATED: November __, 2008

BERTRAND, FOX & ELLIOT

22
23 By _____
24 Eugene B. Elliot
25 Christine Lee
26 Joshua K. Clendenin
27 Attorneys for Defendants ,
CITY OF OAKLAND, WAYNE
TUCKER, DEBRA TAYLOR
JOHNSON AND KENNETH PARRIS

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6. The parties have met and conferred and have agreed to the new proposed date for the hearing on defendants' Motions to Dismiss. The parties further agree that continuing the deadline to exchange initial disclosures as well as the date of the Initial Case Management Conference to dates after the hearings on the defendants' motions to dismiss is in the best interest of the parties and makes efficient use of the Court's time and resources.

7. The parties stipulate that a copy of a signature transmitted by any electronic means including, but not limited to, facsimile machine and scanned document transmitted via e-mail will have the same force and effect as an original signature.

DATED: November __, 2008

LYNCH, GILARDI & GRUMMER

By

Robert T. Lynch
Claudia Lozano
Attorneys for Defendant
STEPHEN M. RAFFLE, M.D.

DATED: November __, 2008

KNISBACHER LAW OFFICES

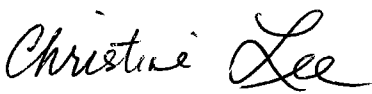
By:

Alden Knisbacher
Attorney for Plaintiff CHRISTOPHER YANKE

DATED: November 14, 2008

BERTRAND, FOX & ELLIOT

By



Eugene B. Elliot
Christine Lee
Joshua K. Clendenin
Attorneys for Defendants,
CITY OF OAKLAND, WAYNE
TUCKER, DEBRA TAYLOR
JOHNSON AND KENNETH PARRIS

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ORDER

GOOD CAUSE APPEARING THEREFORE, the stipulation to continue the CITY DEFENDANTS' Motion to Dismiss set for hearing on December 16, 2008 to January 13, 2009 is GRANTED. Dr. RAFFLE will file his Motion to Dismiss to be heard on the same date as that of the CITY DEFENDANTS. The hearing is set for 2:00 PM.

GOOD CAUSE APPEARING THEREFORE, the stipulation to continue the deadline to exchange initial disclosures from December 9, 2008 to January 23, 2009 is GRANTED.

GOOD CAUSE APPEARING THEREFORE, the stipulation to continue the Initial Case Management Conference from December 23, 2008 to January 27, 2009 is GRANTED. The Case Management Conference will be at 3:00 PM.

DATED: 12/3/08

THE HONORABLE ELIZABETH D. LAPORTE

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STIPULATION AND ORDER TO CONTINUE DEFENDANTS CITY OF OAKLAND, WAYNE TUCKER, DEBRA TAYLOR JOHNSON AND KENNETH PARRIS' MOTION TO DISMISS; TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE AND TO CONTINUE THE DEADLINE TO EXCHANGE INITIAL DISCLOSURES