

1 Robert T. Lynch, SBN 34716
 Claudia Lozano, SBN 188742
 2 LYNCH, GILARDI & GRUMMER
 A Professional Corporation
 3 475 Sansome Street, Suite 1800
 San Francisco, CA 94111
 4 Telephone: (415) 397-2800
 Facsimile: (415) 397-0937
 5

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

18 Defendant(s).
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Case No.: C-08-04379 EDL

**STIPULATION AND ORDER
 SETTING DEFENDANTS' MOTIONS
 TO DISMISS; TO CONTINUE THE
 INITIAL CASE MANAGEMENT
 CONFERENCE AND TO CONTINUE
 THE DEADLINE TO EXCHANGE
 INITIAL DISCLOSURES
 AS MODIFIED**

Trial Date: NONE

20 Defendant STEPHEN M. RAFFLE, M.D., Defendants CITY OF OAKLAND, WAYNE
 21 TUCKER, DEBRA TAYLOR JOHNSON AND KENNETH PARRIS ("CITY
 22 DEFENDANTS") and Plaintiff CHRISTOPHER YANKE in light of the filing of plaintiff's First
 23 Amended Complaint and defendants' response deadline on January 30, 2009, stipulate, through
 24 their respective counsels of record, as follows:

- 25 1. To set defendants' Motions to Dismiss the First Amended Complaint for hearing
 26 on March 10, 2009 at 9:00 a.m.

Lynch, Gilardi
 & Grummer
 A Professional
 Corporation
 475 Sansome Street
 Suite 1800
 San Francisco, CA
 94111
 Ph (415) 397-2800
 Fax (415) 397-0937

STIPULATION AND ORDER SETTING DEFENDANTS' MOTIONS TO DISMISS; TO CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE AND TO CONTINUE THE DEADLINE TO EXCHANGE INITIAL DISCLOSURES

1 2. To continue the Initial Case Management Conference, currently set for February
2 10, 2009 at 3:00 p.m. to March 24, 2009 at 3:00 p.m.

3 3. To continue the deadline to exchange initial disclosures currently set for February
4 10, 2009 to March 24, 2009.

5 4. Good cause exists for the above requests. Defendants previously stipulated and
6 the Court ordered continuances of defendants' Motions to Dismiss the Complaint to January 27,
7 2009, a continuance of the deadline to submit initial disclosures to February 10, 2009 and a
8 continuance of the Initial Case Management Conference to February 10, 2009 at 3:00 p.m.

9 5. On January 6, 2009, plaintiff filed a First Amended Complaint. On January 16,
10 2009, pursuant to defendants' motion for an extension of time to respond, Judge LaPorte ordered
11 that the deadline to respond to plaintiff's First Amended Complaint would be January 30, 2009.

12 6. The parties agree to set the defendants' motions to dismiss the First Amended
13 Complaint for hearing on March 10, 2009. However, having the Initial Case Management
14 Conference and deadline to complete initial disclosures prior to the defendants' motions to
15 dismiss, which may resolve most or all of the issues raised by plaintiff's First Amended
16 Complaint is not efficient and may be a waste of the Court's time and resources. The parties
17 agree that it in the interest of judicial economy it make sense to have the Initial Case
18 Management Conference and deadline to complete initial disclosures continued from February
19 10, 2009 to March 24, 2009, two weeks following the date of the hearing on defendants' motions
20 to dismiss.

21 7. Setting the hearing date on defendants' motions to dismiss the First Amended
22 Complaint complies with the Court's 35-day notice requirement assuming a filing date of
23 January 30, 2009. In addition, there is no prejudice to the parties or to the Court if an Order is
24 made continuing the deadline to exchange initial disclosures as well as the date of the Initial
25 Case Management Conference to March 24, 2009, two weeks following the date of the hearings
26 on the defendants' motions to dismiss. The parties agree that it is in the best interest of the
27 parties and makes efficient use of the Court's time and resources.

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ORDER

GOOD CAUSE APPEARING THEREFORE, the stipulation to set the defendants' Motions to Dismiss the First Amended Complaint for hearing on March 10, 2009 at 9:00 a.m. is GRANTED.

GOOD CAUSE APPEARING THEREFORE, the stipulation to continue the deadline to exchange initial disclosures from February 10, 2009 to March 24, 2009 is GRANTED.

GOOD CAUSE APPEARING THEREFORE, the stipulation to continue the Initial Case Management Conference from February 10, 2009 at 3:00 p.m. to March 24, 2009 at ~~3:00 p.m.~~ 10:00 a.m. is GRANTED.

GOOD CAUSE APPEARING THEREFORE, the stipulation to continue all deadlines, including deadlines to meet and confer re: ADR and initial disclosures to a date commensurate with the new date for the Initial Case Management Conference is GRANTED. These deadlines are now set for March 3, 2009.

DATED: January 26, 2009



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Lynch, Gilardi
& Grummer
475 Sansome Street
Suite 1800
San Francisco, CA
94111
Ph (415) 397-2800
Fax (415) 397-0937