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28United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VALERIE BARBER and ROBERT
HAMILTON, individually and as Successors
in Interest for JESSE HAMILTON,
deceased,

No. C-08-5649 MMC

**ORDER VACATING DECEMBER 3, 2010
HEARING ON DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Plaintiffs,

v.

CITY OF SANTA ROSA, et al.,

Defendants.

Before the Court is the Motion for Summary Judgment, filed August 30, 2010, by defendants City of Santa Rosa, Edwin Flint, Gregory Yaeger, Michael Heiser, and Gregg Ayer ("City defendants"),¹ and currently scheduled for hearing on December 3, 2010. Plaintiffs Valerie Barber and Robert Hamilton have filed opposition, to which City defendants have filed a reply. The matter initially came on for hearing on October 8, 2010. J. Wynne Herron of Herron & Herron appeared on behalf of plaintiffs; Matthew LeBlanc of the City Attorney's Office appeared on behalf of the City defendants.² Thereafter, with leave of Court, the parties filed supplemental briefing.

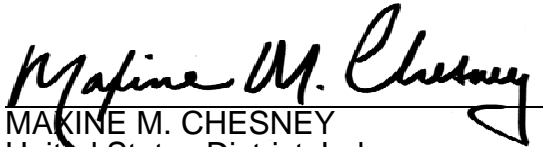
¹Defendants County of Sonoma and James M. Kennedy, M.D. were dismissed from this matter by orders filed October 22, 2010. Defendant Telecare Corporation has neither filed a dispositive motion nor joined in the City defendants' Motion.

² Additionally, James Geary of Hanson Bridgett was present on behalf of Telecare Corporation.

1 Having read and considered the papers filed in support of and in opposition to the
2 motion, and having considered the arguments of counsel at the October 8, 2010 hearing,
3 the Court deems the matter suitable for decision without further oral argument, and hereby
4 VACATES the hearing scheduled for December 3, 2010.

5 **IT IS SO ORDERED.**

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7 Dated: November 30, 2010

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9 MAKINE M. CHESNEY
10 United States District Judge
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