

1 JOHN L. BURRIS (SBN #69888)  
 LAW OFFICES OF JOHN L. BURRIS  
 2 7677 Oakport Street, Suite 1120  
 Oakland, California 94621  
 3 (510) 839-5200; FAX (510) 839-3882  
 Email: john.burris@johnburrislaw.com

4 JAMES B. CHANIN (SBN# 76043)  
 5 Law Offices of James B. Chanin  
 3050 Shattuck Avenue  
 6 Berkeley, California 94705  
 (510) 848-4752; FAX: (510) 848-5819  
 7 Email: jbcofc@aol.com

8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

12 THE ESTATE OF JERRY A. AMARO III;  
 GERALDINE MONTOYA; STEPHANIE  
 13 MONTOYA;

14 Plaintiffs,

15 vs.

17 CITY OF OAKLAND, et al.,

18 Defendants.

) CASE NO: C09-01019 WHA

) **STIPULATION AND ~~PROPOSED~~**  
 ) **ORDER CONTINUING HEARING DATE**  
 ) **ON DEFENDANTS' MOTION FOR**  
 ) **SUMMARY JUDGMENT FROM**  
 ) **JANUARY 28, 2010 TO FEBRUARY 18,**  
 ) **2010 AND EXTENDING THE TIME FOR**  
 ) **PLAINTIFFS' OPPOSITION TO**  
 ) **JANUARY 28, 2010**

22 \_\_\_\_\_  
 23 Estate of Amaro, et al. v. City of Oakland, et al  
 24 Case No. C09-01019 WHA  
 Stip and ~~Proposed~~ Order Continuing Hearing on Def. MSJ/Plaintiffs' Opposition Deadline

1  
2 WHEREAS, Plaintiffs' lead attorneys, John L. Burris and James B. Chanin, took and/or  
3 were present for all the depositions taken in the action relevant to opposing Defendants' motion  
4 for summary judgment,

5 WHEREAS, Mr. Burris is currently out of the country and Mr. Chanin is in Florida on  
6 vacation;

7 WHEREAS, Plaintiffs' opposition to Defendants' motion for summary judgment is  
8 currently due to be filed on January 7, 2010 and would require a substantial amount of work be  
9 performed in opposing the motion in the absence of both of Plaintiffs' lead counsel and over the  
10 Christmas and New Year's holidays;

11 WHEREAS, this hearing date poses a substantial burden on Plaintiffs' given the absence  
12 of Plaintiffs' lead counsel from the State;

13 WHEREAS, Plaintiffs' counsel made no arrangements with their respective staffs to be  
14 available to work on the motion opposition over the Christmas and New Year's holidays because  
15 they had no advance notice that the motion would be noticed for January 28, 2010;

16 WHEREAS, a continuance of the hearing date of the motion to February 18, 2010 would  
17 still be within the Court's current dispositive motion hearing date deadline of March 11, 2010;

18 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD  
19 DO HEREBY STIPULATE AND AGREE THAT the hearing on Defendants' motion for  
20 summary judgment should be continued to February 18, 2010 and that the deadline for the filing  
21 of Plaintiffs' opposition should be extended to January 28, 2010.

22 IT IS SO STIPULATED AND AGREED:

23 Estate of Amaro, et al. v. City of Oakland, et al  
24 Case No. C09-01019 WHA  
Stip and ~~Proposed~~ Order Continuing Hearing on Def. MSJ/Plaintiffs' Opposition Deadline

1 Dated: December 22, 2009

\_\_\_\_\_/S/\_\_\_\_\_  
Julie M. Houk  
Attorney for Plaintiff

3 Dated: December 23, 2009

\_\_\_\_\_/S/\_\_\_\_\_  
STEPHEN Q. ROWELL  
Attorney for City of Oakland  
Defendants

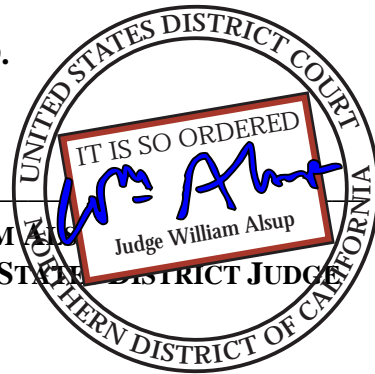
6 Dated: December 22, 2009

\_\_\_\_\_/S/\_\_\_\_\_  
JAMES HIGA  
Attorney for Defendant  
Edward Poulson

8 PURSUANT TO STIPULATION, **IT IS SO ORDERED.**

10 Dated: December 23, 2009

\_\_\_\_\_  
WILLIAM A. ALSUP  
UNITED STATES DISTRICT JUDGE



23 Estate of Amaro, et al. v. City of Oakland, et al  
24 Case No. C09-01019 WHA  
Stip and ~~Proposed~~ Order Continuing Hearing on Def. MSJ/Plaintiffs' Opposition Deadline