

1 JOHN A. RUSSO, City Attorney – SBN 129729  
RANDOLPH W. HALL, Assistant City Atty. – SBN 080142  
2 JAMES F. HODGKINS, Supervising Trial Atty. – SBN 142561  
CHARLES E. VOSE, Senior Deputy City Atty. – SBN 139700  
3 One Frank H. Ogawa Plaza, 6th Floor  
Oakland, California 94612  
4 Telephone: (510) 238-2961 Fax: (510) 238-6500  
cevose@oaklandcityattorney.org  
5 X03361/591505

6 Attorneys for Defendant  
CITY OF OAKLAND

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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
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11 EDWARD J. PROUDFOOT and MICHELLE  
12 MILLIORN,

13 Plaintiffs,

14 v.

15 CITY OF OAKLAND, COUNTY OF  
16 ALAMEDA, ET AL.

17 Defendants.  
18  
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Case No. C09-01492 WHA

**STIPULATION AND ORDER TO  
CONTINUE DEADLINE FOR  
RESPONSIVE PLEADING FROM  
CITY OF OAKLAND**

20 The parties to the above captioned litigation hereby stipulate, by and through their  
21 undersigned counsel of record, to continue the date for Defendant City of Oakland to file a  
22 responsive pleading in this case from August 31, 2009 to September 21, 2009.

23 The reason for this stipulation is the parties are currently negotiating on the filing of  
24 a Second Amended Complaint in this matter in order to avoid defendant filing a second  
25 Motion to Dismiss pursuant to F.R.C.P. Rule 12(b)(6).  
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DATED: AUGUST 25, 2009

JOHN A. RUSSO, City Attorney  
RANDOLPH W. HALL, Assistant City Attorney  
JAMES F. HODGKINS, Supervising Trial Attorney  
CHARLES E. VOSE, Senior Deputy City Attorney

By: \_\_\_\_\_/s/  
Attorneys for Defendant  
CITY OF OAKLAND

DATED: AUGUST 25, 2009

KATE WELLS, ESQ.

By: \_\_\_\_\_/s/  
Attorney for Plaintiffs  
MICHELLE MILLIORN and EDWARD J. PROUDFOOT

ORDER

Pursuant to stipulation of the parties and good cause appearing therefore, it is hereby ordered that the date for Defendant City of Oakland to file a responsive pleading in this case is continued from August 31, 2009 to September 21, 2009.

IT IS SO ORDERED.

Dated: August 26, 2009.

WILLIAM H. ALSUP  
United States District Judge

