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 CITY OF OAKLAND

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 EDWARD J. PROUDFOOT and MICHELLE
 12 MILLIORN,

13 Plaintiffs,

14 v.

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

17 Defendants.

Case No. C09-01492 WHA

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

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 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 September 21, 2009 to September 28, 2009.

23 The reason for this stipulation is the parties have negotiated and reached
 24 agreement regarding certain pleading issues in the First Amended Complaint in this
 25 matter and have avoided the need for Defendant City of Oakland to file a second Motion
 26 to Dismiss pursuant to F.R.C.P. Rule 12(b)(6). Defendant City of Oakland will file an

1 answer to the First Amended Complaint on or before the September 28, 2009 deadline.

2 DATED: SEPTEMBER 17, 2009

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

7 By: _____ /s/

8 Attorneys for Defendant
9 CITY OF OAKLAND

10 DATED: SEPTEMBER 17, 2009

11 DAVID BEAUVAIS, ESQ.

12 By: _____ /s/

13 Attorney for Plaintiffs
14 MICHELLE MILLIORN and EDWARD J. PROUDFOOT

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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 September 21, 2009 to September 28, 2009.

IT IS SO ORDERED.

Dated: September 21, 2009

