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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

11 AMJAD ABUDIAB,

12 Plaintiff,

13 vs.

14 CITY AND COUNTY OF SAN
 15 FRANCISCO; ELIAS GEORGOPOULOS;
 and DOES 1-20, inclusive,

16 Defendants.

Case No. C09-01778 JSW

**STIPULATION AND [~~PROPOSED~~] ORDER
 CONTINUING DEFENDANT PARRA'S
 DEADLINE TO MOVE FOR SUMMARY
 JUDGMENT**

Hearing Date: None Set

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 19 On December 8, 2011, this Court issued its order granting in part and denying in part the
 20 parties' motions for reconsideration of the Court's order on Defendants' motion for summary
 21 judgment. (Dkt. No. 174.) Based on this order, on December 13, 2011, Defendants filed a notice of
 22 appeal. (Dkt. No. 175.)

23 Plaintiff contends that the notice of appeal is untimely and may file a motion to certify
 24 Defendants' appeal as frivolous. Defendants will oppose; Defendants will argue that their appeal is
 25 timely and meritorious and should stay all of the proceedings in this Court, including any motion for
 26 summary judgment. However, Defendant Parra's deadline to file a summary judgment motion is
 27 January 6, 2012. (Dkt. No. 173.)

1 Furthermore, counsel for both parties (including Messrs. May, Loebs, and Lewis) will be trying
2 a case in state court starting on January 3, 2012, which is expected to last between two and three
3 weeks.

4 Finally, the deposition of Captain Parra, currently scheduled for December 20, 2011, will need
5 to be re-scheduled due to the fact that counsel in this case are required to attend a Mandatory
6 Settlement Conference in another case, and that is the only date that the Court is available to conduct
7 the conference. Due to the trial mentioned above, the deposition will likely need to be re-scheduled for
8 late January.

9 To allow the Court sufficient time to rule on Plaintiff's anticipated motion, and to
10 accommodate counsel's trial and pre-trial schedules in another matter, the parties propose a change in
11 the date of Defendant Parra's last day to file a summary judgment motion. The parties propose that
12 Defendant Parra's last day to file a summary judgment motion be February 27, 2012. This would
13 allow for a hearing on or around April 2, 2012, which is more than two months before trial.

14 IT IS HEREBY STIPULATED BY THE PARTIES:

15 Dated: December 15, 2011

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
MARC R. LEWIS
Deputy City Attorney

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19 By: /s/ Marc R. Lewis
20 MARC R. LEWIS
21 Attorneys for Defendants
22 CITY AND COUNTY OF SAN FRANCISCO, et al.

23 Dated: December 15, 2011

LAW OFFICES OF JOSEPH S. MAY

24
25 By: /s/ Joseph S. May*
26 Joseph S. May, Esq.
27 Attorneys for Plaintiff
28 AMJAD ABUDIAB

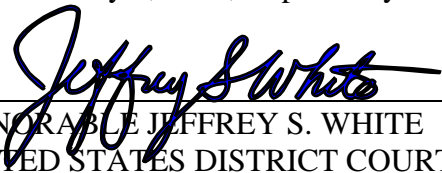
*Pursuant to General Order 45, the electronic signatory of this documents attests that this individual concurs in his electronic signature of this document. The actual signature page is on file.

[PROPOSED] ORDER

1 IT IS HEREBY ORDERED that Defendant Parra's last day to file a summary judgment motion
2 is moved to February 27, 2012.

3 IT IS HEREBY FURTHER ORDERED that the last day for the Court to hear a motion for
4 summary judgment by Captain Parra is moved to April ⁶/₂, 2012. The Court FURTHER ORDERS that the
5 pretrial conference and trial are CONTINUED to June 18 and July 9, 2012, respectively.

6 Dated: December 19, 2011
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8 HONORABLE JEFFREY S. WHITE
9 UNITED STATES DISTRICT COURT JUDGE