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10 Attorneys for Defendant CITY OF FREMONT  
 KEITH FARMER, KENNETH HEININGE,  
 MARK DANG, RICARDO CORTES, WILLIAM SETTLE.  
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12 UNITED STATES DISTRICT COURT  
 13  
 14 NORTHERN DISTRICT OF CALIFORNIA

15  
 16 MARK OTTOVICH AND HARVEY  
 OTTOVICH,

17 Plaintiffs,

18 vs.

19 CITY OF FREMONT, et al.,

20 Defendants.

Case No.: CV09-4181 MMC

**STIPULATION AND ~~PROPOSED~~ ORDER  
 TO CONTINUE CASE MANAGEMENT  
 CONFERENCE**

21  
 22 IT IS HEREBY STIPULATED by the parties hereto, defendant CITY OF FREMONT and its  
 23 individual defendant officers and plaintiffs MARK and HARVEY OTTOVICH, by and through their  
 24 attorneys of record, that the initial Case Management Conference be continued from its current date  
 25 of May 7, 2010 at 10:30 a.m., to Friday June 25, 2010 at 10:30 am with the dates for submission of  
 26 the joint Case Management Conference Statement and Rule 26 disclosures to be adjusted accordingly  
 27 to Friday June 18<sup>th</sup>, 2010.

28 Good cause exists for this continuance in that defendant City of Fremont's counsel, Gregory

1 Fox, has filed a motion to dismiss the Third Amended Complaint in the above captioned matter on  
2 behalf of the City of Fremont and said motion is scheduled for a hearing on Friday June 4, 2010.

3 In addition the Third Amended Complaint continues to name as individual defendants the  
4 Veterans Administration Palo Alto Health Care System and Veterans Administration Palo Alto  
5 Health Care Systems Employee Joanie Drobrick Patient Advocate. On information and belief the  
6 Assistant United States Attorney who will represent these defendants has informed Mr. Fox that her  
7 clients have not seen served as of today's date and thus the case is not at-issue and it would be  
8 premature to hold a case management conference until all parties named in the Third Amended  
9 Complaint have answered and appeared in this action.

10 Respectfully submitted.

11  
12 Dated: April 28, 2010

BERTRAND, FOX & ELLIOT

13  
14 By: \_\_\_\_\_ /s/ \_\_\_\_\_

Gregory M. Fox

Attorneys for Defendant CITY OF FREMONT

15  
16 Dated: April 28, 2010

17  
18 By: \_\_\_\_\_ /s/ \_\_\_\_\_

Craig H. Mar

Attorney for Plaintiff MARK, HARVEY OTTOVICH

19  
20 ATTORNEY ATTESTATION

21 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
22 conformed signature (“/s/”) within this E-filed document.  
23

24 Dated: April 28, 2010

\_\_\_\_\_/s/ \_\_\_\_\_

Gregory M. Fox

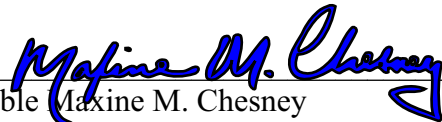
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**ORDER**

Good cause appearing,

THE STIPULATION IS SO ORDERED.

Dated: April 29, 2010, 2010

  
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Honorable Maxine M. Chesney  
UNITED STATES DISTRICT COURT JUDGE