

Gregory M. Fox, State Bar No. 070876
Arlene C. Helfrich, State Bar No. 096461
BERTRAND, FOX & ELLIOT
The Waterfront Building
2749 Hyde Street
San Francisco, California 94109
Telephone: (415) 353-0999
Facsimile: (415) 353-0990

Harvey E. Levine, Esq., State Bar No. 61880
City Attorney City of Fremont
3300 Capitol Avenue
PO Box 5006
Fremont, CA 94537-5006
Telephone: (510) 284-4030
Facsimile: (610) 284-4031

Attorneys for Defendant CITY OF FREMONT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK OTTOVICH,

Plaintiff,

vs.

CITY OF FREMONT, et al.,

Defendants.

Case No.: CV09-4181 MMC

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE HEARING ON
DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT AND CASE
MANAGEMENT CONFERENCE**

IT IS HEREBY STIPULATED by the parties hereto, Defendant CITY OF FREMONT through its attorneys of record and pro se plaintiff MARK OTTOVICH, that defendant's Motion to Dismiss plaintiff's Complaint, currently set for October 30, 2009 be continued to November 18, 2009. In addition the parties request that the initial Case Management Conference be continued from its current date of December 18, 2009 to the date of February 12, 2010 at 10:30 a.m. The time line for plaintiff's opposition brief and defendant's reply brief to be adjusted accordingly. The dates for submission of the joint cmc statement and Rule 26 disclosures to be adjusted accordingly. Good cause exists for these continuances in that plaintiff pro se has been interviewing legal counsel who may represent him in the above captioned matter. The requested extension of time will allow him to

either retain counsel or proceed on his own.

Dated: October 13, 2009

BERTRAND, FOX & ELLIOT

By: /s/
 Gregory M. Fox
 Arlene C. Helfrich
 Attorneys for Defendant CITY OF FREMONT

Dated: October 13, 2009

By: /s/
Mark Ottovich, Pro Se Plaintiff

ORDER

Good cause appearing,

THE STIPULATION IS SO ORDERED, with the exception that the new hearing date on the Motion shall be December 4, 2009. All other dates are as stipulated.

Dated: October 16, 2009, 2009

Honorable Maxine M. Chesney
UNITED STATES DISTRICT COURT JUDGE

ATTORNEY ATTESTATION

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

Dated: October 13, 2009

/s/
Gregory M. Fox