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5 Attorneys for Defendants
6 COUNTY OF SAN MATEO

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 JONATHAN V. BUCKHEIT,

12 Plaintiff,

13 vs.

14 TONY DENNIS, DEAN DEVLUGT, THE TOWN
OF ATHERTON, THE COUNTY OF SAN MATEO,
15 and DOES 1-500, inclusive,

16 Defendants.

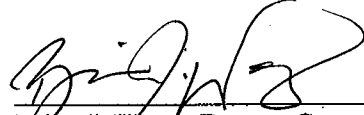
Case No. C09-05000 JCS

**STIPULATION FOR AN ORDER TO
EXTEND COUNTY OF SAN MATEO'S
TIME TO ANSWER PLAINTIFF'S FIRST
AMENDED COMPLAINT**

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18 Pursuant to Local Rules 6-2(a) and 7-12, Plaintiff Jonathan Buckheit and Defendant County of
19 San Mateo (the "County") hereby stipulate to request that, in the event the County files a motion to
20 dismiss the First Amended Complaint, the Court issue an order extending the time for the County to file
21 an answer to the First Amended Complaint to fourteen (14) days after the Court issues a ruling on any
22 such motion to dismiss.

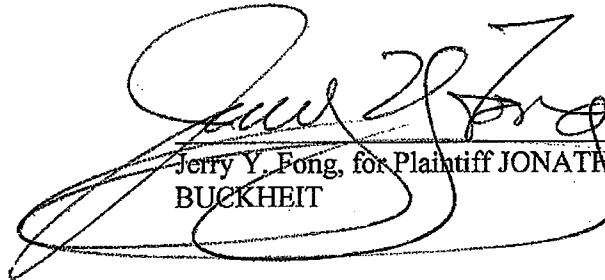
1 It is so stipulated.

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3 Dated: February 9, 2010



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5 Brian J. Wong, Deputy County Counsel, for
6 Defendant COUNTY OF SAN MATEO

7 Dated: February 9, 2010



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10 Jerry Y. Fong, for Plaintiff JONATHAN
11 BUCKHEIT

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14 This stipulation is supported by the following declaration of Brian J. Wong:

15 **DECLARATION OF BRIAN J. WONG**

16 I, Brian J. Wong, declare:

17 1. I am an attorney licensed to practice before this Court, and represent Defendant County of
18 San Mateo (the "County") in this matter.

19 2. I make this declaration as required by Local Rule 6-2(a).

20 3. Plaintiff Jonathan Buckheit filed his First Amended Complaint on January 25, 2010.

21 4. The County intends to file a motion to dismiss pursuant to Federal Rule of Civil
22 Procedure 12(b)(6) in response to the First Amended Complaint.

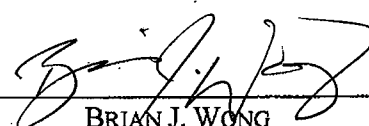
23 5. The County requires an extension of time to file an answer in the event the Court denies
24 its motion to dismiss because Federal Rule of Civil Procedure 15(a)(3) does not extend the time to file an
25 answer to an amended complaint when a defendant files a motion to dismiss. The extension will allow a
26 determination of the County's motion to dismiss before the County must file an answer.

27 6. Jerry Fong (on behalf of Plaintiff Jonathan Buckheit) has agreed to the requested
28 extension of time.

1 7. This is the first request for any extension of time relating to Plaintiff's First Amended
2 Complaint.

3 8. In light of the March 26, 2010 Case Management Conference, this extension of time
4 should have minimal impact on the case schedule.

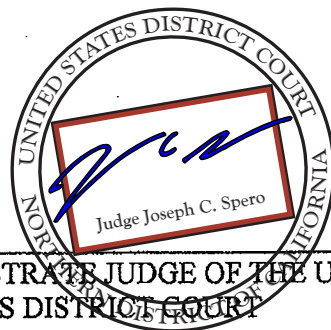
5 I declare under penalty of perjury that the foregoing is true and correct of my own knowledge,
6 and that this Declaration was executed on February 5, 2010 at Redwood City, California.

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9 BRIAN J. WONG

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12 [PROPOSED] ORDER

13 PURSUANT TO STIPULATION, IT IS SO ORDERED: In the event Defendant County of San
14 Mateo (the "County") files a motion to dismiss the First Amended Complaint, the time for the County to
15 file an answer to the First Amended Complaint is extended to fourteen (14) days after the Court issues a
16 ruling on any such motion to dismiss.

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19 Dated: 02/10/10



23 MAGISTRATE JUDGE OF THE UNITED
STATES DISTRICT COURT

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25 Complaint.doc