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2010).

ROBERT E. CAREY, JR. (SBN 47556) 1 JERRY Y. FONG, EŚQ. (SBN 99673) 2 CAREY & CAREY 706 COWPER STREET P.O. BOX 1040 3 PALO ALTO, CA 94302-1040 650/328-5510 4 650/853-3632 fax 5 rec@careyandcareylaw.com if@careyandcareylaw.com 6 Attorneys for Plaintiff JONATHAN B. BUCKHEIT 7 8 9 UNITED STATES DISTRICT COURT 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA 11 SAN FRANCISCO DIVISION 12 JONATHAN B. BUCKHEIT, CASE NO. CV 09-5000 JCS 13 Plaintiff, STIPULATION FOR AN ORDER 14 TO EXTEND TIME FOR PLAINTIFF TO FILE OPPOSITION TO DEF. TOWN 15 VS. OF ATHERTON'S MOTION TO 16 TONY DENNIS, DEAN DEVLUGT, DISMISS & PROPOSED ORDER THE TOWN OF ATHERTON, THE COUNTY OF SAN MATEO. 17 April 23, 2010 Date: and DOES 1-500, inclusive, Time: 9:30 a.m. Mag. Judge: Hon. Joseph C. Spero 18 Defendants. 19 20 Pursuant to Local Rules 6-2 (a) and 7-12, Plaintiff Jonathan Buckheit and Defendants 21 Town of Atherton, Tony Dennis, Dean DeVlugt, and Anthony Kockler hereby stipulate to 22 request that the Court order the extension of the deadline for the filing of Plaintiff's 23 Opposition to these Defendants' joint Motion To Dismiss Plaintiff's First Amended 24 Complaint (currently scheduled to be heard on April 23, 2010 at 9:30 a.m. before this Court), 25 from February 19, 2010 to April 2, 2010, and, correspondingly, extend Defendants Atherton, 26 Dennis, DeVlugt, and Kockler's deadline to file its reply from February 26, 2010 to April 9, 27 2010. The extension of time would not affect the hearing date of the motion (April 23,

STIPULATION TO EXTEND TIME TO FILE OPPOSITION TO MTN TO DISMISS BY TOWN OF ATHERTON

It is so stipulated.

5 DATED: 2/18/10

JERRY Y. FONG, for Plaintiff

TRICK R. CO, for Defendants TOWN OF

ATHERTON, TONY DENNIS, DEAN DEVLUGT, AND ANTHONY KOCKLER

DATED: 2/18/10

This stipulation is supported by the following declaration of Attorney Jerry Fong:

DECLARATION OF ATTORNEY JERRY FONG

I, Jerry Fong, declare:

- 1. I am an attorney licensed to practice before this Court and am one of the attorneys for Plaintiff Jonathan Buckheit.
 - 2. I make this declaration in compliance with Local Rule 6-2 (a).
- 3. Currently, Defendants Town of Atherton, Tony Dennis, Dean DeVlugt, and Anthony Kockler's joint motion to dismiss Plaintiff's First Amended Complaint is scheduled to be heard on April 23, 2010, at 9:30 a.m., before this Court.
- 4. The Court set February 19, 2010, as the deadline for the filing of Plaintiff's Opposition and February 26, 2010, as the deadline for the filing of Defendants Town, Dennis, DeVlugt, and Kockler's Reply.
- 5. At the same time, Defendant County of San Mateo also filed its motion to dismiss Plaintiff's First Amended Complaint. That motion is also scheduled to be heard on April 23, 2010, at 9:30 a.m. before this Court. However, unlike the motion by Defendants Town, Dennis, DeVlugt, and Kockler, San Mateo County's motion has a different briefing schedule. Under the local rules, Plaintiff's opposition to San Mateo County's motion is due on April 2, 2010, and San Mateo's reply is due on April 9, 2010.
 - 6. I have spoken with Alan Chang, one of the attorneys with Clapp, Moroney,

1	Bellagamba, Vucinich, Beeman & Scheley, the law firm representing Defendants Town of
2	Atherton, et al., in this case. He and I agree that, for efficiency and uniformity's sake, the
3	two separate sets of motions should be placed on the same briefing schedule track:
4	Plaintiff's opposition due on April 2, 2010, and Defendants' replies due on April 9, 2010.
5	7. In addition, Plaintiff needs more time to file its Opposition because both
6	attorneys for Plaintiff are currently tied up in extended depositions in multi-party cases.
7	8. This is the first request for any extension of time relating to Defendants Town,
8	Dennis, DeVlugt, and Kockler's Motion to Dismiss the Plaintiff's First Amended Complaint.
9	Previously, there was one extension granted to Plaintiff (for a period of 3 days) to file it
10	opposition to County of San Mateo's first motion to dismiss (relating to Plaintiff's original
11	complaint).
12	9. Because the hearing is scheduled on April 23, 2010, the requested extension
13	of time should not affect the hearing date.
14	I declare under the penalty of perjury that the foregoing is true and correct. Executed
15	on February 18, 2010.
16	
17	JERRY Y. FONG
18	JERRY 1. PONG
19	
20	[PROPOSED] ORDER
21	PURSUANT TO STIPULATION, IT IS SO ORDERED: Plaintiff shall file his
22	Opposition to Defendants' Town of Atherton, et. al.,'s Motion to Dismiss Plaintiff's First
23	Amended Complaint on April 2, 2010, and the Defendants shall file their Replies, if any, on is rescheduled to May 7, 2010 at 1:30 p.m.
24	April 9, 2010. The hearing shall remain on April 23, 2010, at 9:30 a.m.
25	DATED: 2/22/10
26	DATED: 2/25/10
27	MAGISTRATE-JUDGE OF STATES DISTRICT COUR Judge Joseph C. Spero

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