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A limited liability partnership formed in the State of Delaware

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11 Attorneys for DORA BAIRES, individually, and
on behalf the estate of JUAN CARLOS
12 BAIRES; and Teofilo MIRANDA, an
individual.
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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 DORA BAIRES, et al.,
17 Plaintiffs,
18 vs.
19 THE UNITED STATES OF AMERICA; et al.,
20 Defendants.
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No.: C 09-05171 CRB

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE HEARING
DATE FOR DEFENDANTS' MOTIONS
TO DISMISS**

1 **STIPULATION AND [PROPOSED] ORDER**

2 Pursuant to Local Rule 7-7, Plaintiffs Dora Baires and Teofilo Miranda (“Plaintiffs”) and
3 Defendants United States of America, Janet Napolitano, John P. Torres, James T. Hayes, Nancy
4 Alcantar, Jeffrey Sherman, Jose Rodriguez, and Timothy Shack (collectively “Federal
5 Defendants”), through their respective counsel of record, agree and stipulate to a continuance of the
6 hearing date on the Federal Defendants’ Motion to Dismiss as follows:

7 1. On June 11, 2010, the Federal Defendants filed the Individual Federal Defendants’
8 Notice of Motion and Motion to Dismiss Or, in the Alternative, for Summary Judgment.

9 2. On June 12, 2010, the Federal Defendants filed the United States’ Amended Notice
10 of Motion and Motion to Dismiss or, in the Alternative, for Summary Judgment (“Individual
11 Federal Defendants’ Notice of Motion and Motion to Dismiss Or, in the Alternative, for Summary
12 Judgment” and “Amended Notice of Motion and Motion to Dismiss or, in the Alternative, for
13 Summary Judgment” collectively herein “Motions to Dismiss”).

14 3. On June 12, 2010, the Federal Defendants filed a Stipulation and Proposed Order
15 setting forth a briefing schedule for the Motions to Dismiss, proposing a hearing date of July 16,
16 2010.

17 4. On June 21, 2010, the Court entered the order setting the hearing date on the
18 Motions to Dismiss for July 16, 2010.

19 5. On July 7, 2010, the Court notified the parties that it continued the hearing date on
20 the Motions to Dismiss to August 6, 2010.

21 6. Jayne Fleming is the lead attorney for Plaintiffs and she will argue the motions. She
22 will be leading a human rights mission in Haiti from July 27, 2010 through August 4, 2010. She
23 will not return to California until August 7, 2010. Two other human-rights experts (Karen Musalo
24 and Robert Rubin) will be part of this mission and they have already blocked out these dates and
25 purchased their tickets for the trip. Changing the dates would pose extreme difficulty.

26 7. Defendants do not oppose the continuance of the hearing on their Motions to
27 Dismiss.

28 8. Counsel for Defendants, Abraham Simmons, is available on August 13, 2010 and

