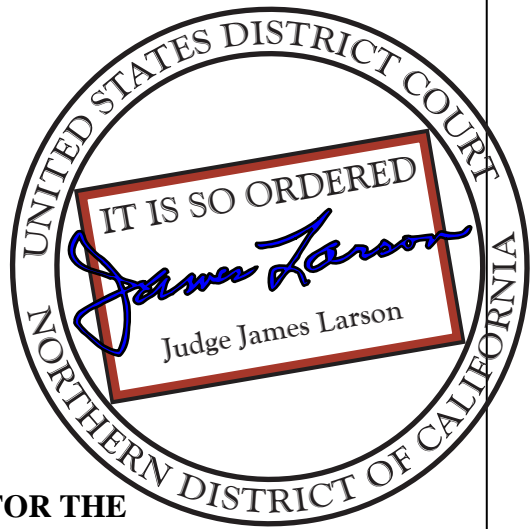


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William C. McNeill, III, # 64392  
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Attorneys for Plaintiffs/Petitioners



**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA**

BATTALION CHIEF KEVIN SMITH,  
PRESIDENT OF THE SAN FRANCISCO  
BLACK FIREFIGHTERS; CAPTAIN MARK  
JOHNSON; CAPTAIN FRANCO  
CALZOLAI; CAPTAIN EDWARD  
ROLAND;  
LT. RONALD VAN POOLE; FIREFIGHTER  
DENNIS FOSTER, INCIDENT SUPPORT  
SPECIALIST DONALD DURKEE, JR.;  
INCIDENT SUPPORT SPECIALIST AL JOE;  
FIREFIGHTER PAUL URQUIAGA,  
FIREFIGHTER CARL BARNES

Plaintiffs/Petitioners,

v.

THE CITY AND COUNTY OF SAN  
FRANCISCO; THE SAN FRANCISCO FIRE  
DEPARTMENT; THE SAN FRANCISCO  
FIRE COMMISSION; CHIEF JOAN HAYES-  
WHITE; THE SAN FRANCISCO CIVIL  
SERVICE COMMISSION

Defendants/Respondents

) No. 3:09-mc-80067-CRB-RL  
)  
) **STIPULATION ALLOWING THE**  
) **CANCELLATION OF THE SCHEDULED**  
) **HEARING AND WITHDRAWAL OF PETITION**  
) **FOR ORDER PURSUANT TO RULE 27**  
) **PETITION TO PERPETUATE TESTIMONY**  
)  
) DATE: OCTOBER 7, 2009  
) TIME: 9:30 A.M.  
) COURTROOM: F, 15TH FLOOR

**STIPULATION TO CANCEL HEARING**

1 IT IS HEREBY STIPULATED by and between the parties to this procedure  
2 through their designated counsel that the hearing scheduled for October 7, 2009 at 9:30  
3 a.m. in this matter be cancelled and petition is withdrawn.

4 Dated: October 1, 2009

5

6 /s/William C. McNeill, III  
7 WILLIAM C. McNEILL, III  
Counsel for Petitioners Kevin Smith *et al.*

8

October 5, 2009

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GINA M. ROCCANOVA  
11 Counsel for Respondents City and County of San Francisco, *et al.*

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