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8 Attorney for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 JULIO CESAR SANCHEZ,

12 Plaintiff,

13 vs.

14 DALLAS ANDRUSS et al.,

15 Defendants.

**No. C 10-03213-MMC**

STIPULATION TO CONTINUE  
HEARING ON DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT, TO EXTEND TIME  
FOR RESPONSE, REPLY AND  
SETTLEMENT CONFERENCE

16 The parties, through their counsel of record, have met and conferred. In the  
17 interests of justice and judicial economy the parties have stipulated that the hearing  
18 on the Motion for Summary Judgment should be continued to **March 15, 2013**,  
19 that the response to the Motion for Summary Judgment should be due **February**  
20 **22, 2013**, and that the Reply should be due **March 1, 2013**. The parties stipulate to  
21 this schedule because counsel for plaintiff was sick for a few weeks in December  
22 because it appears he took on a waterborne bacteria or other contaminant while  
23 surfing, counsel for plaintiff is starting a complex trial starting on February 5,  
24 2013, in district court in Los Angeles, counsel for plaintiff is starting another civil  
25 rights trial starting on February 26, 2013, in district court in Los Angeles. In  
26 addition, it has been difficult for counsel for plaintiff to speak with his client  
27 because of prison disturbances; he has spoken with his client but will not have time  
28 to transmit declarations back and forth to his client in time to file a response to the

1 Motion for Summary Judgment, despite the fact that he immediately sent the  
2 motion papers to his client. Also, counsel for plaintiff is seeking permission to  
3 depose defendant Andruss in a separate filing. Additionally, there is a distinct  
4 possibility that the parties can agree to narrow down the issues presented in the  
5 Motion for Summary Judgment if additional time is afforded counsel for plaintiff  
6 to review the motion and discuss it with the plaintiff. Thus, the parties stipulate to  
7 the continuance of the Motion for Summary Judgment hearing date and the filing  
8 dates for the response and the reply, in addition to the date for the settlement  
9 conference until a time after the issuance of the ruling on the defense summary  
10 judgment motion.

11 Thus, the parties stipulate to the continuance of the hearing on the Motion  
12 for Summary Judgment, now set for February 22, 2013, to March 15, 2013.

13 **IT IS SO STIPULATED.**

14  
15 Dated: January 25, 2013

16 /s/ by Jeff Price by permission  
17 Julianne Mossler  
18 Deputy Attorney General for Defendants

19 Dated: January 25, 2013

20 /s/ Jeff Price  
21 Jeff Price  
22 Attorney for Plaintiff Sanchez

23 PURSUANT TO General Order 45, § 10(B), counsel for plaintiff hereby attests  
24 that Ms. Mossler gave permission to electronically sign this stipulation on her  
25 behalf.

26 **IT IS SO ORDERED**

27 Dated: January 29, 2013

28   
United States Judge Maxine M. Chesney