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 11 CITY OF SAN MATEO

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 JOSEPH ALEJANDRO ORTEGA,

15 Plaintiff,

16 v.

17 KURT RODENSPIEL; SAN MATEO
 18 POLICE DEPARTMENT; and CITY OF
 19 SAN MATEO, CALIFORNIA,

20 Defendants.

CASE NO.: CV10-03239 EMC

**AMENDED STIPULATION AND
 [proposed] ORDER TO MODIFY THE
 DISPOSITIVE MOTION HEARING
 DATE AND BRIEFING SCHEDULE**

21 The parties to this action (plaintiff Joseph Alejandro Ortega and defendants Kurt Rodenspiel,
 22 San Mateo Police Department, and City of San Mateo) by and through their attorneys of record, hereby
 23 stipulate to jointly request that the Court modify the schedule for the filing and hearing of summary
 24 judgment motions. The parties agree to the continuance because plaintiff's criminal appeal is still
 25 pending. The matter was submitted to the Appellate Court in January 2012 and plaintiff is still awaiting
 26 a decision. Defendant's Motion for Summary Judgment is based in part on Heck v. Humphrey, 512
 27 U.S. 477, 487-488, 114 S.Ct. 2364, 129 L. Ed. 2d 383 (1994), which necessarily relies on the finality
 28 of plaintiff's conviction in the criminal matter.

The parties previously submitted a stipulation and order to the court to modify the briefing
 schedule with a hearing date of May 18, 2012. The court proposed a continuance of the trial date to

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ORDER

PURSUANT TO THE STIPULATION AND GOOD CAUSE APPEARING HEREIN, IT IS ORDERED THAT:

The briefing schedule for dispositive motions, including any summary judgment motions shall be modified in the following manner:

- 1. Opening and moving papers - Filed by March 26, 2012
- 2. Opposition papers - April 9, 2012
- 3. Reply papers - April 13, 2012
- 4. Hearing date - April 27, at 1:30 p.m.

IT IS SO ORDERED.

Dated: March 23, 2012

