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 6 Attorneys for Plaintiff,  
 PATRICK VINATIERI

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 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 PATRICK VINATIERI,  
 13  
 14 Plaintiff,

15 vs.

16 AARON MOSLEY, CRAIG WONG, CORY  
 JOHNSON, OSCAR ORTIZ, COUNTY OF  
 17 NAPA, MICHAEL VALLERGA, EILEEN  
 McMULLEN, ARNOLD VALLERGA and  
 Does 1-25, inclusive.  
 18 Defendants.

) **Case No.: 3:10-CV-03854 RS**  
 )  
 ) **STIPULATION AND ~~PROPOSED~~**  
 ) **ORDER TO ALLOW PLAINTIFF TO**  
 ) **FILE FIRST AMENDED COMPLAINT,**  
 ) **VACATE DEFENDANTS' MOTION TO**  
 ) **DISMISS AND RE-SCHEDULE CASE**  
 ) **MANAGEMENT CONFERENCE**

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 20 IT IS HEREBY STIPULATED by and between counsel for all parties in the above-  
 21 referenced matter:

22 WHEREAS, counsel for plaintiff, John Scott, substituted into this case on January 3,  
 23 2011, and

24 WHEREAS, counsel for all parties agree and stipulate that plaintiff will file a First  
 25 Amended Complaint by January 24, 2011, and

26 WHEREAS, defendants agree to withdraw the Motion to Dismiss currently scheduled to  
 27 be heard on February 3, 2011, and

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WHEREAS, counsel for all parties stipulate to continue the Case Management Conference currently scheduled for February 24, 2011 at 10:00 a.m. for 60 days; and

WHEREAS, counsel for all parties stipulate to continuing all attendant dates for 60 days.

Dated: January 14, 2011

**SCOTT LAW FIRM**

By:           /s/ John H. Scott            
John Houston Scott  
Attorney for Plaintiff

**JONES & DYER**

Dated: January 14, 2011

By:           /s/ Mark Jones            
Mark Jones  
Attorney for Defendants  
AARON MOSLEY, CRAIG  
WONG, CORY JOHNSON,  
OSCAR ORTIZ and County of  
NAPA

**BABIN & SEEGER, LLP**

Dated: January 14, 2011

By:           /s/ Martin Seeger            
Martin L. Seeger, IV  
Attorney for Defendant  
ARNOLD VALLERGA

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**[PROPOSED] ORDER**

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED:

1. Plaintiff has until January 24, 2011 to file his First Amended Complaint;
2. The hearing for Defendants' Motion to Dismiss scheduled for February 3, 2011 is hereby vacated;
3. The Case Management Conference currently scheduled for February 24, 2011 at 10:00 a.m. is hereby continued by 60 days, or to April 21, 2011 at 10:00 a.m.; and
4. All attendant dates have been continued by 60 days.

Dated: 1/20/11

  
United States District Court Judge