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6 Attorneys for Defendant GOVERNING BOARD
 OF THE MOUNT DIABLO UNIFIED SCHOOL
 7 DISTRICT

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

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RICHARD HEYER,

CASE NO. CV10-4525-MMC

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Plaintiff,

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

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vs.

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GOVERNING BOARD OF THE MOUNT
DIABLO UNIFIED SCHOOL DISTRICT,

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Defendant.

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SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY

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STIPULATE TO THE FOLLOWING:

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1. On or about March 4, 2011, Plaintiff Richard Heyer ("Plaintiff") served his Second Amended Complaint ("SAC") on the Defendant Governing Board of the Mount Diablo Unified School District ("Defendant").

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2. On or about March 7, 2011, Defendants' counsel informed Plaintiff's counsel of Defendants' intention to file a motion to dismiss Plaintiff's Second Amended Complaint.

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3. The parties stipulate to continue the case management conference, currently scheduled for March 18, 2011, and all respective ADR and Rule 26 deadlines, pending the

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JOINT STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE MANAGEMENT
CONFERENCE

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1 outcome of the hearing on Defendants' motion to dismiss Plaintiff's Second Amended Complaint.

2 **SO STIPULATED.**

3 DATED: March 8, 2011.

Respectfully submitted,

4 FAGEN FRIEDMAN & FULFROST, LLP

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6 By: /s/ Joshua A. Stevens

7 Joshua A. Stevens

8 Attorneys for Defendant GOVERNING BOARD
9 OF THE MOUNT DIABLO UNIFIED SCHOOL
10 DISTRICT

11 DATED: March 8, 2011.

Respectfully submitted,

12 LAW OFFICES OF CURTIS G. OLER

13 By: /s/ Curtis G. Oler

14 Curtis G. Oler

15 Attorney for Plaintiff RICHARD HEYER
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~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED, pursuant to the above Stipulation of the parties, that the case is continued to May 27, 2011, management conference, currently scheduled for March 18, 2011, and all respective ADR and Rule 26 deadlines are continued, likewise pending the outcome of the hearing on Defendants' motion to dismiss Plaintiff's Second Amended Complaint.

DATED: March 9, 2011


Hon. Maxine M. Chesney
UNITED STATES DISTRICT JUDGE

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