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BOARD OF THE MOUNT DIABLO UNIFIED  
7 SCHOOL DISTRICT, ALAN YOUNG, and  
JOHN MCMORRIS  
8

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11  
12 RICHARD HEYER,

13 Plaintiff,

14 vs.

15 GOVERNING BOARD OF THE MOUNT  
DIABLO UNIFIED SCHOOL DISTRICT  
16 ALAN YOUNG, JOHN MCMORRIS AND  
DOES 1 THROUGH 25,

17 Defendant.  
18

CASE NO. CV10-4525-MEJ

19  
20 **JOINT STIPULATION AND [PROPOSED]  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE, AND  
OTHER CASE DEADLINES**

21 **SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY**

22 **STIPULATE TO THE FOLLOWING:**

23 1. On or about November 17, 2010, Plaintiff Richard Heyer ("Plaintiff") served his  
First Amended Complaint ("FAC") on the Governing Board of the Mount Diablo Unified School  
24 District ("District"), Alan Young and John McMorris (collectively the "Defendants").

25 2. On or about November 29, 2010, Defendants' counsel, who has not yet appeared,  
informed Plaintiff's counsel of Defendants' intention to file a motion to dismiss and/or strike by  
26 December 7, 2010, with a hearing date anticipated in January 2011. Based on Plaintiff's counsel's  
27

28 JOINT STIPULATION AND [PROPOSED]  
ORDER CONTINUING CASE MANAGEMENT  
CONFERENCE AND OTHER CASE DEADLINES

1 unavailability during most of the month of January 2011, Plaintiff has agreed to extend  
2 Defendants' deadline to file a responsive pleading until January 14, 2011.

3       3.     The parties further stipulate to continue the case management conference, currently  
4     scheduled for January 13, 2011, and all respective ADR and Rule 26 deadlines, pending the  
5     outcome of the hearing on Defendants' motion to dismiss and strike.

## SO STIPULATED.

7 | DATED: December 1, 2010. Respectfully submitted,

EAGEN FRIEDMAN & FULLFROST, LLP

By: /s/ Joshua A. Stevens

Joshua A. Stevens

JOSHUA P. STEVENS  
Attorneys for Defendants GOVERNING BOARD  
OF THE MOUNT DIABLO UNIFIED SCHOOL  
DISTRICT, ALAN YOUNG, and JOHN  
MCMORRIS

14 DATED: December 1, 2010. Respectfully submitted,

## LAW OFFICES OF CURTIS G. OLER

By: /s/ Curtis G. Oler

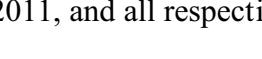
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Curtis G. Oler

Attorney for Plaintiff RICHARD HEYER

**28** JOINT STIPULATION AND [PROPOSED]  
ORDER CONTINUING CASE MANAGEMENT  
CONFERENCE AND OTHER CASE DEADLINES

**PROPOSED ORDER**

2 IT IS HEREBY ORDERED, pursuant to the above Stipulation of the parties, that  
3 Defendants shall file their responsive pleading to Plaintiff's FAC on or before January 14, 2011.  
4 IT IS HEREBY FURTHER ORDERED, pursuant to the above Stipulation of the parties,  
5 that the case management conference, currently scheduled for January 13, 2011, and all respective  
6 ADR and Rule 26 deadlines, are VACATED pending the outcome of the hearing on Defendants'  
7 motion to dismiss and strike. 

DATED: December 3, 2010

Hon. Maria-Elena James  
UNITED STATES MAGISTRATE JUDGE

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