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

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

RICHARD HEYER,

 Plaintiff,

vs.

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

 Defendant.

CASE NO. CV10-4525-MEJ

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE, AND
 OTHER CASE DEADLINES**

**SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY
 STIPULATE TO THE FOLLOWING:**

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
 District ("District"), Alan Young and John McMorris (collectively the "Defendants").

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
 December 7, 2010, with a hearing date anticipated in January 2011. Based on Plaintiff's counsel's

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.

6 **SO STIPULATED.**

7 DATED: December 1, 2010.

Respectfully submitted,

8 FAGEN FRIEDMAN & FULFROST, LLP
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10 By: /s/ Joshua A. Stevens

11 Joshua A. Stevens

12 Attorneys for Defendants GOVERNING BOARD
13 OF THE MOUNT DIABLO UNIFIED SCHOOL
DISTRICT, ALAN YOUNG, and JOHN
MCMORRIS

14 DATED: December 1, 2010.

Respectfully submitted,

15 LAW OFFICES OF CURTIS G. OLER
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17 By: /s/ Curtis G. Oler

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Attorney for Plaintiff RICHARD HEYER
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PROPOSED ORDER

IT IS HEREBY ORDERED, pursuant to the above Stipulation of the parties, that Defendants shall file their responsive pleading to Plaintiff's FAC on or before January 14, 2011.

IT IS HEREBY FURTHER ORDERED, pursuant to the above Stipulation of the parties, that the case management conference, currently scheduled for January 13, 2011, and all respective ADR and Rule 26 deadlines, are VACATED pending the outcome of the hearing on Defendants' motion to dismiss and strike.

DATED: December 3, 2010


Hon. Maria-Elena James
UNITED STATES MAGISTRATE JUDGE

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