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6 Attorneys for Plaintiff,
 DERWIN LONGMIRE

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 DERWIN LONGMIRE,)
)
 12 Plaintiff,)
)
 13 vs.)
 14 CITY OF OAKLAND, HOWARD JORDAN,)
 SEAN WHENT, and DOES 1-50, inclusive)
 15 Defendants.)
 16)
 17)

Case No.: C10-01465 JSW
**STIPULATION AND ~~PROPOSED~~—
 ORDER EXTENDING DEADLINE TO
 FILE PLAINTIFF’S OPPOSITION TO
 DEFENDANT’S MOTION FOR
 SUMMARY JUDGMENT**

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18 IT IS HEREBY STIPULATED by and between counsel for all parties in the above-
 19 referenced action:

20 WHEREAS, the trial date in this matter is scheduled for February 27, 2012 and the
 21 hearing on defendant’s motion for summary judgment is scheduled for December 9, 2011; and

22 WHEREAS, plaintiff’s lead counsel recently returned from a family vacation and had to
 23 prepare and file an Opening Brief due in the California Court of Appeal in the matter of *McVeigh*
 24 *v. SF Recycling*, Case No: A131833 by August 19, 2011; and

25 WHEREAS, upon receipt of defendant’s motion for summary judgment on August 12,
 26 2011, plaintiff’s counsel’s office was short staffed with its only legal secretary on vacation who
 27 returned just this past Monday, August 22, 2011; and

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1 WHEREAS, upon receipt of defendant’s motion for summary judgment, plaintiff’s
2 counsel’s office is further short staffed with its only associate, Lizabeth de Vries, on a pre-paid
3 pre-planned vacation expected to return on August 29, 2011; and

4 WHEREAS, plaintiff’s counsel is in the process of preparing for several previously
5 scheduled depositions in the matter of *Rush v. City of Oakland*, Case No. RG09477417 in the
6 Alameda County Superior Court, which commenced last week and are scheduled to continue over
7 the course of next week; and

8 WHEREAS, plaintiff’s counsel is in the process of preparing for an opposition to yet
9 another motion for summary judgment in the matter of *Rush v. City of Oakland*, Case No.
10 RG09477417, which is due in the Alameda County Superior Court no later than September 15,
11 2011; and

12 WHEREAS, counsel for all parties hereby request the Court to extend the deadline for
13 plaintiff to file his opposition to defendant’s motion for summary judgment by three weeks from
14 August 26, 2011 to September 16, 2011 and to extend the deadline for defendant to reply to
15 October 7, 2011; and

16 All other deadlines shall remain in place.

17 Dated: August 24, 2011

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18
19 By: /s/ John H. Scott
 John Houston Scott
 Attorney for Plaintiff

21 Dated: August 24, 2011

LAW OFFICES OF JOHN L. BURRIS

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23 By: /s/
 JOHN L. BURRIS

25 Dated: August 24, 2011

FOSTER EMPLOYMENT LAW

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27 By: /s/
 MADELYN G. JORDAN-DAVIS

28

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the deadline to file plaintiff's opposition to defendant's motion for summary judgment in this matter has been extended to September 16, 2011. The deadline to file defendant's reply has been extended to October 7, 2011. There shall be no further extension of time on briefing this motion. The Court shall strike any late-filed briefs.

DATE: August 25, 2011


HONORABLE JEFFREY S. WHITE
United States District Court Judge

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