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8 Attorneys for Defendant
 CITY AND COUNTY OF SAN FRANCISCO
 9 and S. A. NAVARRO

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 PHILLIP PLEVIN, TERESITA TORRES,
 14 Plaintiffs,
 15 vs.
 16 CITY AND COUNTY OF SAN
 FRANCISCO; S. A. NAVARRO and Does 1-
 17 25, inclusive
 18 Defendants.

Case No. 11-cv-2359 MEJ

**STIPULATION AND [~~PROPOSED~~] ORDER
 TO EXTEND DATE FOR FILING MOTION
 FOR SUMMARY JUDGMENT**

Trial Date: Not Set

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
2 modification of this Court's Orders concerning and setting dates for dispositive motion filing and
3 hearing in the above matter. The parties make this request based on the following circumstances:

4 1. Discovery in this matter closed on September 13, 2012. Two depositions of third party
5 witnesses—Hui Cha Leung and Vida Lamastra—were taken on that date. A third deposition of a
6 witness—Abigail O'Leary—was taken earlier in the week on September 10, 2012.

7 2. The parties were unable to take the depositions of Ms. Leung, Ms. Lamastra and
8 Ms. O'Leary any earlier due to scheduling difficulties on the part of the witnesses. The depositions
9 were originally scheduled to take place in August 2012.

10 3. Dispositive motions are due on September 20, 2012. The parties have been diligently
11 attempting to meet and confer on a joint statement of undisputed facts as required by the Court's
12 October 20, 2011 Case Management Order ¶J [Docket # 40].

13 4. Because of the short time period between the completion of depositions and the date for
14 filing motions for summary judgment, plaintiffs had not had the opportunity to obtain and review all
15 three transcripts of the most recent depositions. Similarly, defendants needed to first obtain the
16 depositions and review them (which they were not able to do until Tuesday, September 18, 2012)
17 before drafting and forwarding a joint statement of undisputed fact. Because of this delay and because
18 of the Jewish holidays, defendants did not complete a draft of the joint statement until the morning of
19 September 19, 2012, when it was forwarded to plaintiffs' counsel.

20 6. There is not sufficient time prior to filing dispositive motions for the parties to
21 meaningfully meet and confer and complete a joint statement of undisputed fact as required by the
22 Court.

23 7. The parties believe that they can and will reach agreement on a joint statement within a
24 few days, and request that the Court permit an extra week—September 27, 2012—for the parties
25 complete the meet and confer process, to finalize a joint statement for submission to the Court and to
26 file their dispositive motions.

27 For the aforementioned reasons, the parties jointly request that the Court amend its Scheduling
28 Order as follows:

- September 27, 2012: Last day to file dispositive motions
- November 1, 2012: Last day for hearing on dispositive motions

IT IS SO STIPULATED.

Dated: September 20, 2012

DENNIS J. HERRERA
City Attorney
CHERYL ADAMS
Chief Trial Deputy
WARREN METLITZKY
Deputy City Attorneys

By: /s/ Warren Metlitzky
WARREN METLITZKY
Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO
and S. A. NAVARRO

Dated: September 20, 2012

LAW OFFICES OF WILLIAM E. WEISS

By: /s/ *
William E. Weiss, Esq. (SBN 73108)
Attorney for Plaintiffs PHILLIP PLEVIN and
TERESITA TORRES
**Pursuant to GO 45, the electronic signatory has obtained
approval from this signatory.*

1 **ORDER**

2 Based on the above stipulation, and for good cause appearing, IT IS ORDERED as follows:

- 3 • September 27, 2012: Last day to file dispositive motions
- 4 • November 1, 2012: Last day for hearing on dispositive motions

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7 Dated: September 20, 2012



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THE HONORABLE MARIA ELENA JAMES