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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 CONTINUE DEFENDANTS' MOTION
 FOR ATTORNEYS FEES AND EXPERT
 COSTS**

Trial Date: Not Set

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 21 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request a
 22 continuance of Defendants' Motion for Attorneys Fees and Expert Costs from February 7, 2013 at
 23 10:00 a.m. to February 28, 2013 at 10:00 a.m. The parties make this request based on the following
 24 circumstances:

25 1. Counsel for defendants Warren Metlitzky was set for trial on January 28, 2013 in the
 26 matter of *Telitha Ball v. Ernest Ferrando*, San Francisco Superior Court No. 472360. State court trial
 27 dates are based on availability of courtrooms and are often continued on the Court's motion for
 28

1 months after the initial trial date setting. Defense counsel also anticipated that if the matter went out
2 for trial, it would likely be completed by the February 7, 2013 hearing date.

3 2. On January 28, 2013, the *Ball* case was assigned to Judge Robertson for trial. Judge
4 Robertson has estimated the trial will start on Monday, February 4, 2013 and last approximately three
5 weeks, with jury deliberations to follow the subsequent week.

6 3. Based on defense counsel's unavailability due to trial, the parties stipulate to continuing
7 defendants' Motion for Attorneys Fees and Expert Costs to February 28, 2013, subject to the Court's
8 availability.

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10 **IT IS SO STIPULATED.**

11 Dated: January 31, 2013

12 DENNIS J. HERRERA
13 City Attorney
14 CHERYL ADAMS
15 Chief Trial Deputy
16 WARREN METLITZKY
17 Deputy City Attorneys

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

23 Dated: January 31, 2013

24 LAW OFFICES OF WILLIAM E. WEISS

25 By: /s/ *
26 William E. Weiss, Esq. (SBN 73108)
27 Attorney for Plaintiffs PHILLIP PLEVIN and
28 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 • Defendants' Motion for Attorneys Fees and Expert Costs is continued to ~~February 28,~~
4 March 14, 2013
5 ~~2013~~ at 10:00 a.m.

6 Dated: February 1, 2013

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8 _____
9 THE HONORABLE MARIA ELENA JAMES