

Gregory M. Fox, State Bar No. 070876
BERTRAND, FOX & ELLIOT
The Waterfront Building
2749 Hyde Street
San Francisco, California 94109
Telephone: (415) 353-0999
Facsimile: (415) 353-0990

Harvey E. Levine, Esq., State Bar No. 61880
City Attorney City of Fremont
3300 Capitol Avenue
PO Box 5006
Fremont, CA 94537-5006
Telephone: (510) 284-4030
Facsimile: (610) 284-4031

Attorneys for Defendants
FREMONT POLICE DEPARTMENT, CITY OF FREMONT,
JEFFERY LAWRENCE, TIMOTHY FERRARA and JOHN KENNEDY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIRAMAR PEREZ, individually and as
Guardian Ad Litem; ARACELI MOSSO;
JOAN MOSSO; JOCELYN MOSSO, minor
children,

Plaintiffs

v.

FREMONT POLICE DEPARTMENT; CITY
OF FREMONT; JEFFERY LAWRENCE;
TIMOTHY FERRARA; JOHN KENNEDY;
and DOES ONE through TWENTY, inclusive,

Defendants

Case No. CV11-04198 EMC

**STIPULATION AND [PROPOSED] ORDER
CONTINUING HEARING DATE FOR
DEFENDANTS RULE 12(B) (6) MOTION TO
DISMISS PLAINTIFF'S FIRST AMENDED
COMPLAINT AND PLAINTIFFS' MOTION TO
REMAND**

The Court, through its notice of September 26, 2011 [DKT #14] continued Defendants' Motion to Dismiss from October 7, 2011 to the date plaintiffs had set for their Motion to Remand, October 28, 2011. Gregory Fox, counsel for the defense, is scheduled for a plaintiff's deposition on this same date, October 28, 2011, in a State Superior Court action (*Anderson v City of Brentwood et al, Contra Costa County Superior Court No. MSC10-03672*). The plaintiff in *Anderson* is incarcerated in the California Correctional Center located in Susanville, California. That matter involves several parties and it has been

difficult to agree upon a date on which all parties could attend the deposition in the state prison and with sufficient notice to allow Department of Corrections approval and coordination.

The parties therefore, acting by and through their respective legal counsel, herein stipulate for an Order continuing the hearing date for defendants' Motion to Dismiss Plaintiffs' First Amended Complaint and plaintiff's Motion to Remand from Friday, 1:30 p.m., October 28, 2011 to Friday, 1:30 p.m. November 4, 2011. The filing of the City's opposition brief to the Motion to Remand is continued to October 14, 2011; the filing of the reply brief supporting the Motion to Remand is continued to Friday, October 21, 2011.

So Stipulated:

Dated: September 27, 2011

Law Offices of Edwin Bradley

By: /s/
Edwin Bradley, Attorney for Plaintiffs

Dated: September 27, 2011

BERTRAND, FOX & ELLIOT

By: /s/
Gregory M. Fox
Attorneys for Defendants
FREMONT POLICE DEPARTMENT, CITY OF
FREMONT, JEFFERY LAWRENCE, TIMOTHY
FERRARA and JOHN KENNEDY

ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this E-filed document and/or have been authorized by Mr. Bradley to execute his signature by a "conformed" signature (/s/) within this E-Filed Document.

Dated: September 27, 2011

/s/
Gregory M. Fox

1
2 **ORDER**

3 Good cause appearing, the stipulation is so ordered. The hearing dates for the Motion to Dismiss
4 and Motion to Remand are continued to 1:30 pm on Friday, November 4, 2011.

5
6 Dated: 9/28, 2011

