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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

18 GREGORY L. SULLIVAN and
 19 KOJI FUJITA,

Case No.: CV 12-01922 MEJ

20 Plaintiffs,

21 v.

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO CONTINUE HEARING ON MOTION FOR
 PARTIAL SUMMARY JUDGMENT AND
 RELATED BRIEFING SCHEDULE**

22 CITY OF SAN RAFAEL, a government
 entity; SAN RAFAEL POLICE
 23 DEPARTMENT, a government entity;
 24 RYAN DEMARTA, individually, and in
 his capacity as police officer for the CITY
 25 OF SAN RAFAEL; RYAN COGBILL,
 26 individually, and in his capacity as police
 officer for the CITY OF SAN RAFAEL;
 27 and DOES 1 to 100,

28 Defendants.

1 **RECITALS**

2 1. Defendants’ Motion for Partial Summary Judgment is currently set for June 27, 2013 at
3 10:00 a.m. before Hon. Maria-Elena James in Courtroom B of this Court.

4 2. The mandatory response deadline to the aforementioned motion is June 6, 2013 and the
5 mandatory reply deadline is June 13, 2013.

6 3. Subsequent to participating in mediation with Judge James Larson (Ret.), the parties have
7 continued settlement discussions. The parties desire to engage in further settlement discussions before
8 requesting the court to expend additional time on the aforementioned motion. Therefore, the parties are
9 requesting the court to order a two-week continuance of the hearing on the aforementioned motion and
10 the related briefing schedule.

11 **STIPULATION**

12 Therefore, counsel for Plaintiffs and Defendants agree and stipulate as follows:

13 1. To continue the hearing date, subject to availability on Judge James’ calendar, for
14 Defendants’ Motion for Partial Summary Judgment currently set for June 27, 2013 to July 11, 2013.

15 2. To continue the corresponding response and reply deadlines to the aforementioned
16 motion to June 20, 2013 and June 27, 2013, respectively.

17 **SO STIPULATED.**

18 Dated: May 31, 2013

BERTRAND, FOX AND ELLIOT

19 By: /s/ Richard W. Osman
20 Richard W. Osman
21 Attorneys for Defendants

22 Dated: May 31, 2013

LAW OFFICE OF JAMES D. RUSH

23 By: /s/ James D. Rush
24 James D. Rush
25 Attorneys for Plaintiffs

26 Dated: May 31, 2013

GEARINGER LAW GROUP

27 By: /s/ Brian K. Gearinger
28 Brian K. Gearinger
Attorneys for Plaintiffs

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~~PROPOSED~~ ORDER

Having reviewed the stipulation of counsel herein, IT IS HEREBY ORDERED that Defendants' Motion for Partial Summary Judgment be continued to July 11, 2013 and the corresponding response and reply deadlines be continued to June 20, 2013 and June 27, 2013, respectively.

IT IS SO ORDERED.

DATED: June 3, 2013



HONORABLE MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE