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10 Attorneys for Defendants  
 11 CITY OF SAN RAFAEL,  
 12 RYAN DEMARTA and RYAN COGBILL

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 GREGORY L. SULLIVAN and KOJI FUJITA,

16 Plaintiffs,

17 v.

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

26 Defendants.

Case No. CV 12-01922 MEJ

**DEFENDANTS CITY OF SAN RAFAEL, RYAN  
 DEMARTA AND RYAN COGBILL'S REQUEST  
 FOR CONTINUANCE OF HEARING ON  
 MOTION TO DISMISS; [~~PROPOSED~~] ORDER**

27 Defendants CITY OF SAN RAFAEL, RYAN DEMARTA and RYAN COGBILL hereby request  
 28 an order from the court continuing the hearing date on their Motion to Dismiss in the above-named  
 action, from the currently-set for June 21, 2012 to July 12, 2012 at 10:00 a.m. Defendants' counsel  
 recently received a Notice of Non-Availability from plaintiffs' counsel, whose period of non-availability  
 includes the previously-set hearing date for defendants' motion to dismiss. In order to accommodate

1 plaintiffs' schedule, defendants request the hearing date for the motion to dismiss be continued to  
2 Thursday, July 12, 2012 at 10:00 a.m.

3 Dated: May 30, 2012

BERTRAND, FOX & ELLIOT

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5 By: /s/ Richard W. Osman  
6 Thomas F. Bertrand  
7 Richard W. Osman  
8 Attorneys for Defendants  
9 CITY OF SAN RAFAEL,  
10 RYAN DEMARTA and RYAN COGBILL

11 **[PROPOSED] ORDER**

12 In light of plaintiffs' counsel's unavailability, and good cause appearing, IT IS HEREBY  
13 ORDERED that:

14 Defendants' Motion to Dismiss Plaintiffs' Complaint, currently set for June 21, 2012, shall be  
15 continued to July 12, 2012.

16 **IT IS SO ORDERED.**

17 Dated: May 31, 2012

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20 UNITED STATES MAGISTRATE JUDGE