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8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 **PAUL HOA,**
 14 Plaintiff,
 15 v.
 16 **MATTHEW CATE, et al.,**
 17 Defendants.

C 12-2078 EMC
**STIPULATION AND [PROPOSED]
 ORDER GRANTING CONTINUANCE
 ON HEARING OF DEFENDANT
 MATTHEW CATE’S MOTION TO
 DISMISS UNDER RULE 12(B)6 AND
 FOR QUALIFIED IMMUNITY**
 Date: November 2, 2012
 Time: 1:30 p.m.
 Dept: 5
 Judge: The Hon. Edward M. Chen
 Trial Date: None
 Action Filed: April 25, 2012

22 At the request of Plaintiff’s counsel, the parties, Plaintiff Paul Hoa and Defendants
 23 Matthew Cate, T. Gregory Stagnitto, Bridge Transport, Stag Leasing Inc., and David F. Lopez, by
 24 and through their respective counsel, stipulate that the hearing on Defendant Matthew Cate’s
 25 motion to dismiss Plaintiff’s claims under Federal Rule of Civil Procedure 12(b)(6) and for
 26 qualified immunity, originally noticed for Friday, November 2, 2012, at 1:30 p.m., shall be
 27 continued to Friday, November 9, 2012, at 1:30 p.m., or as soon thereafter as the matter may be
 28 heard before the Honorable Edward M. Chen, United States District Judge, in Courtroom 5 (17th

1 Floor) of the above-entitled court, located at the Federal Building, 450 Golden Gate Avenue,
2 California. Good cause exists for this request as Plaintiff's counsel is located in Southern
3 California and to avoid to multiple appearances before this Court for two hearings that are
4 calendared one week apart.

5 SO STIPULATED:

6
7 DATED: October 30, 2012

LAW OFFICE OF GENE H. SHIODA

8 s/ Gene H. Shioda
9 GENE H. SHIODA
10 JAMES A. KIM
11 JASON Y. LIE
12 *Attorneys for Plaintiff Paul Hoa*

13
14 DATED: October 30, 2012

GEARY, SHEA, O'DONNELL, GRATTAN,
AND MITCHELL

15 s/ John F. Geary
16 JOHN F. GEARY
17 ROBERT W. HENKELS
18 *Attorneys for Defendants*
19 *David F. Lopez, T. Gregory Stagnitto,*
20 *Bridge Transport, Stag Leasing Inc.*

21
22 DATED: October 30, 2012

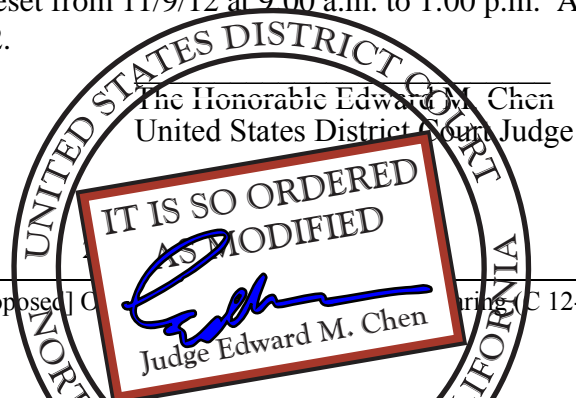
KAMALA D. HARRIS
Attorney General of California
JAY M. GOLDMAN
Supervising Deputy Attorney General

23 s/ Maneesh Sharma
24 MANEESH SHARMA
25 Deputy Attorney General
26 *Attorneys for Defendant*
27 *Matthew Cate*

28 PURSUANT TO STIPULATION, IT IS SO ORDERED. The motion to dismiss is reset for
11/9/12 at 1:00 p.m. The CMC is also reset from 11/9/12 at 9:00 a.m. to 1:00 p.m. A joint
CMC statement shall be filed by 11/2/12.

Dated: October 31, 2012

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CERTIFICATE OF SERVICE

Case Name: P. Hoa v. M. Cate, et al No. C 12-2078 EMC

I hereby certify that on October 30, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION AND [PROPOSED] ORDER GRANTING CONTINUANCE ON HEARING OF DEFENDANT MATTHEW CATE’S MOTION TO DISMISS UNDER RULE 12(B)6 AND FOR QUALIFIED IMMUNITY

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 30, 2012, at San Francisco, California.

L. Santos
Declarant

/s/ L. Santos
Signature