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 SUPERIOR COURT OF CALIFORNIA,
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 JORGE MELENDREZ
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 N. CHARLES PODARAS,
 13 Plaintiff,
 14 v.
 15 CITY OF MENLO PARK, et al.,
 16 Defendants.

CASE NO. CV-14-03152-SI

**JOINT STIPULATION AMONG PLAINTIFF
 AND DEFENDANTS SUPERIOR COURT
 and MELENDREZ REGARDING STATUS
 OF THE PLEADINGS AND MUTUAL
 EXTENSIONS OF TIME TO RESPOND;
 [PROPOSED] ORDER**

Action Filed: July 11, 2014

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 19 Pursuant to Local Civil Rule 7-12, Plaintiff N. Charles Podaras and Defendants the SUPERIOR
 20 COURT OF CALIFORNIA, COUNTY OF SAN MATEO (“Superior Court”) and JORGE
 21 MELENDREZ (“Melendrez”) hereby submit this joint stipulated request regarding the status of the
 22 pleadings in this matter and agreeing to a mutual extension of time for the Superior Court and
 23 Melendrez to file a responsive pleading to the First Amended Complaint and for Plaintiff to respond to
 24 any responsive pleading:

- 25 1. Plaintiff filed his original complaint in this action on July 11, 2014.
- 26 2. Defendants Superior Court and Melendrez were served with the complaint on November
- 27 5, 2014, and filed a motion to dismiss Plaintiff’s complaint on November 26, 2014 (Docket No. 29).
- 28

1 3. The motion was scheduled to be heard by the Honorable Susan Illston on January 16,
2 2015 at 9:00 a.m. in Courtroom 10, 19th Floor.

3 4. On November 24, 2014, Plaintiff filed a First Amended Complaint for Damages and
4 Demand for Jury Trial (Docket No. 28).

5 5. Pursuant to F.R.C.P. Rule 15, Plaintiff had an absolute right to amend his original
6 complaint; and the effect of the First Amended Complaint is that it supersedes the original complaint
7 once it was served on defendants Superior Court and Melendrez.

8 6. Therefore, the motion to dismiss filed by defendants Superior Court and Melendrez is
9 moot, and the First Amended Complaint is the operative pleading as to the Superior Court and
10 Melendrez, and Plaintiff need not file an opposition to the motion;

11 7. The parties have met and conferred, and Plaintiff agrees to an extension of time for
12 defendants Superior Court and Melendrez to file a responsive pleading to the First Amended Complaint
13 to January 14, 2015.

14 8. Furthermore, the parties have met and conferred, and defendants Superior Court and
15 Melendrez agree to extend the time for Plaintiff to file a responsive pleading to any motion they might
16 file by thirty (30) days, and, in addition, agree to extend time for Plaintiff to file a response to their
17 motion to dismiss (Docket No. 29) if the Court refuses to grant this stipulation for any reason, to
18 December 19, 2014.

19 9. Therefore, Plaintiff, Superior Court, and Melendrez stipulate and agree that the motion to
20 dismiss (Docket No. 29), scheduled to be heard on January 16, 2015, is moot and should be removed
21 from the Court's calendar; defendants Superior Court and Melendrez shall have until January 14, 2015
22 to file a responsive pleading to the First Amended Complaint (Docket No. 28); and that Plaintiff shall
23 likewise have an extension of time of thirty (30) days to respond to any motion that defendants Superior
24 Court and Melendrez may file and any motion that may be filed will be scheduled with this timing in
25 mind. The parties believe that such a stipulation is in the interest of justice to avoid the need for
26 multiple unnecessary filings, and allows time for additional parties named in the First Amended
27 Complaint to be served by the Federal Marshal.

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JARVIS, FAY, DOPORTO & GIBSON, LLP

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3 Dated: December 8, 2014

By: 

Clifford Campbell

Attorneys for Defendants SUPERIOR COURT
OF CALIFORNIA, COUNTY OF SAN MATEO and
JORGE MELENDREZ

8 N. CHARLES PODARAS

9
10 Dated: December 09, 2014

By: 

N. Charles Podaras

In Pro Per

14 GOOD CAUSE APPEARING, AND PURSUANT TO STIPULATION, IT IS ORDERED:

15 The Court hereby GRANTS the stipulated request of the parties.

16
17 12/10/14

18 DATED


HON. SUSAN ILLSTON

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20 The initial case management conference is continued to 4/3/15 at 2:30 p.m.
21 The joint case management conference statement shall be filed one week prior to the
22 conference.
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