

1 Maureen E. McFadden, SBN 203781  
 2 LAW OFFICES OF MAUREEN E. MCFADDEN  
 3 300 Lakeside Drive, Suite 1000  
 4 Oakland, CA 94612  
 5 Ph: (510) 835-5203  
 6 Fax: (510) 835-5205  
 7 Email: maureen@mcfaddenlaw.net

8 Attorney for Plaintiff  
 9 QUO VAT ESTELL

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 QUO VAT ESTELL,  
 13  
 14 Plaintiffs,

15 vs.

16 JOHN MCHUGH,  
 17  
 18 Defendant.

19 Case No.: 15-cv-04898-MEJ

20 **REVISED STIPULATION AND**  
 21 **~~PROPOSED~~ ORDER TO**  
 22 **CONTINUE DEADLINES FOR**  
 23 **RESPONSE AND REPLY BRIEFS**  
 24 **ON MOTION TO DISMISS**

25 Plaintiff Quo Vat Estell (“Plaintiff”) and Defendant Eric K. Fanning,  
 26 Secretary, United States Army (“Defendant”), by and through their respective  
 27 counsel, make the following representations and stipulate and agree as follows:

1. Defendants’ Motion to Dismiss is currently set for hearing on  
 December 1, 2016, and the response and reply briefs were due October 4, 2016 and  
 October 11, 2016, respectively.

2. Plaintiff’s counsel was extremely busy with depositions and an  
 upcoming trial, all of which was calendared prior to the motion to dismiss.  
 Additionally, plaintiff’s counsel was seeking documentation not then in her  
 possession needed for the opposition to this motion.


1           3.     The parties previously agreed to mutually extend the deadlines for the  
2 parties to submit their respective response and reply briefs, although the Court did  
3 not sign that stipulation.

4           4.     On the previously scheduled extended due date for plaintiff's response  
5 brief, plaintiff's counsel's toddler son suffered a significant injury which has  
6 required Ms. McFadden to be absent from work for much of the past week.

7           5.     The parties agree that plaintiff and defendant should have a further  
8 extension to file her response brief, and defendant two additional weeks from the  
9 date of plaintiff's response brief to file the reply brief.

10          6.     The parties agree that plaintiff should have until October 17, 2016 to  
11 file her response brief, and defendants until October 31 to file a reply brief. While  
12 the hearing date for this motion is not until December 1, 2016, both parties agree to  
13 a continuance of the motion hearing at the Court's convenience if necessary due to  
14 the requested extensions of time for filing the response and reply briefs.

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16 DATED: October 15, 2016     LAW OFFICES OF MAUREEN E. MCFADDEN

17  
18 By:   
Maureen E. McFadden

19 Attorney for Plaintiff  
20 QUO VAT ESTELL

21 DATED: October 15, 2016     ERIC K. FANNING

22 By:   
23 Julie Davis

24 Assistant United States Attorney  
25 Attorney for Defendants  
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~~PROPOSED~~ ORDER

1  
2 Plaintiff and Defendant's Stipulation and Proposed Order To Continue  
3 Deadlines on Motion to Dismiss is hereby GRANTED. The Motion to Dismiss set  
4 for December 1, 2016 will remain on calendar as previously scheduled. The  
5 deadlines for the response and reply briefs are also each extended from their  
6 original deadlines, such that plaintiff's response is now due October 17, 2016,  
7 and defendant's reply is now due October 31, 2016.  
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9 Date: October 18, 2016



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11 HON. MARIA-ELENA JAMES  
12 United States Magistrate Judge  
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