1 2 3 4 5 6 7 8	BRIAN J. STRETCH (CABN 163973) United States Attorney SARA WINSLOW (DCBN 457643) Chief, Civil Division MICHAEL T. PYLE (CABN 172954) Assistant United States Attorney 150 Almaden Boulevard, Suite 900 San Jose, California 95113 Telephone: (408) 535-5087 FAX: (408) 535-5081 E-mail: michael.t.pyle@usdoj.gov Attorney for Federal Defendant United States of America		
9	UNITED STATES DISTRICT COURT		
10	NORTHERN DISTRICT OF CALIFORNIA		
10	SVEN HEMMERT et al.,	) CASE NO. 15-4904 WHO	
12	Plaintiffs,	) ) STIPULATION AND ORDER TO CONTINUE	
13	V.	<ul><li>DEADLINE FOR PLAINTIFFS TO FILE</li><li>OPPOSITION TO MOTION TO DISMISS</li></ul>	
14	DAVID FINN et al.,	<ul><li>) FILED BY THE UNITED STATES OF</li><li>) AMERICA</li></ul>	
15		) )	
16	Defendants.	) ) Hon. William H. Orrick	
17		)	
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20			
21	<b><u>RECITAL</u></b> Whoreas Plaintiffs Syon Hormort and Syo Ellon Speight (collectively, "Plaintiffs") filed their		
22	Whereas Plaintiffs Sven Hemmert and Sue-Ellen Speight (collectively, "Plaintiffs") filed their First Amended Complaint on December 14, 2015 against the United States of America ("the United		
23	States") and the David and Amy Finn (collectively, "Finn Defendants");		
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26	Responses to First Amended Complaint and Case Management Conference in Light of Agreement to Mediate Case in Docket No. 23 and approved another stipulation in Docket No.33;		
27			
28	STIPULATION AND ORDER CONTINUING Hemmert et. al. v. Finn, et al., 15-4904 WHO		

Whereas the Court previously approved the stipulation submitted on behalf of the United States
and Plaintiffs to continue the Set Briefing and Hearing Schedule on Federal Defendant's Motion to
Dismiss and To Continue Case Management Conference Date (Docket No. 43)

Whereas discussions about resolving this matter has involved discussions of various plans that require input from expert consultants and others that is time consuming;

Whereas the United States and Plaintiffs have reached agreement in principle to settle this matter as between them;

Whereas a draft of a settlement agreement between Plaintiffs and the United States is currently being circulated and finalized and Plaintiffs and the United States desire to memorialize the resolution of some or all of the claims in this case rather than engaging in motion practice at this time;

Whereas the Plaintiffs' opposition to the United States of America's motion to dismiss is currently due on September 30, 2016 and both the United States and Plaintiffs expect resolution between them is likely to occur and be memorialized soon, the United States and Plaintiffs agreed and request of this Court that that the Plaintiffs' deadline to file an opposition to United States Motion to Dismiss be extended until October 13, 2016 to allow for the finalization of Settlement documents; and

Whereas the dates for the reply brief for the United States (October 21, 2016) and hearing date November 16, 2016) shall remain in place in case settlement is not able to be reached.

## **STIPULATION**

IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record that the Plaintiffs shall have until October 13, 2016 to file its opposition to the United States' Motion to Dismiss

## IT IS SO STIPULATED,

Dated: September 29, 2016

## WEISBERG & MILLER

/s/ William S. Weisberg

By: \_\_\_\_\_\_ Craig S. Miller William S. Weisberg Attorneys for Plaintiffs, SVEN HEMMERT and SUE-ELLEN SPEIGHT

STIPULATION AND ORDER CONTINUING DATES *Hemmert et. al. v. Finn, et al.*, 15-4904 WHO 2

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1	Dated: September 29, 2016	BRIAN J. STRETCH United States Attorney	
2		By: /s/ Michael T. Pyle***	
4	-	MICHAEL T. PYLE	
5		Assistant United States Attorney Attorneys for Defendant United States of America	
6		*** I have been authorized to place electronic signatures on this document for other counsel and to	
7		signatures on this document for other counsel and to file this document.	
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10	PURUSANT TO STIPULATION, IT IS SO ORDERED.		
11		3, 2016 to respond to the United States' Motion to	
12	Dismiss.		
13 14		K. N.O. Ion. William H. Orrick	
14	DATED: September 30, 2016		
16		United States District Judge	
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28	STIPULATION AND ORDER CONTINUING DATES Hemmert et. al. v. Finn, et al., 15-4904 WHO 3	5	