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9 Attorney for Plaintiffs

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

12  
 13 RITA CARDENAS, an individual; L.V., by and  
 14 through her Guardian Ad Litem RUBY  
 15 CARDENAS; L.M., by and through her  
 16 Guardian Ad Litem RUBY CARDENAS; and  
 17 DAVID ORTIZ, an individual,

18 Plaintiffs,

19 vs.

20 COUNTY OF ALAMEDA, a municipal  
 21 corporation; CITY OF OAKLAND, a municipal  
 22 corporation; SCOTT SEDER, RICHARD  
 23 COGLIO, VICTOR GARCIA, and DOES 1-25,  
 24 individually and in their official capacities,

25 Defendants.

CASE NO.: 3:16-cv-05205-WHA

26 **STIPULATION AND ~~PROPOSED~~**  
 27 **ORDER] TO CONTINUE CASE**  
 28 **MANAGEMENT CONFERENCE &**  
**HEARING ON DEFENDANT COUNTY OF**  
**ALAMEDA’S MOTION TO DISMISS**

**TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

IT IS HEREBY STIPULATED by and between Plaintiffs RITA CARDENAS, L.V. and L.M., by and through their Guardian Ad Litem RUBY CARDENAS, and DAVID ORTIZ and

STIPULATION AND ~~PROPOSED~~ ORDER] TO CONTINUE CASE MANAGEMENT CONFERENCE & HEARING ON

DEFENDANT’S MOTION TO DISMISS

The Law Offices of John L. Burris  
 7677 Oakport Street, Suite 1120  
 Oakland, California 94621  
 Telephone: (510) 839-5200

1 Defendants COUNTY OF ALAMEDA, CITY OF OAKLAND, SCOTT SEDER, RICHARD  
2 COGLIO & VICTOR GARCIA, through their counsel of record, as follows:

3 WHEREAS, Counsel for Plaintiff is unable to appear at the hearing on Defendant's  
4 Motion to Dismiss presently set for December 8, 2016 at 8:00 a.m. and the Case Management  
5 Conference set for December 8, 2016 at 11:00 a.m. before the Honorable Judge Alsup due to a  
6 pre-existing jury trial in another matter.

7 Counsel for Plaintiff has a jury trial scheduled in the matter of the People of the State of  
8 California v. Gary Miller (Superior Court Number 1840941-1) in Contra Costa County Superior  
9 Court.

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12 The parties agree that it is in the interests of judicial economy and justice, and that all  
13 would benefit from a continuance of the hearing on Defendant County of Alameda's Motion to  
14 Dismiss and the Case Management Conference to January 12, 2017, or at a time that suits the  
15 Court.

16 The briefing schedule is to remain unchanged.

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18 Dated: November 28, 2016

**LAW OFFICES OF JOHN L. BURRIS**  
/s/ Lateef H. Gray  
LATEEF H. GRAY  
Attorney for Plaintiffs

19  
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21  
22 Dated: November 28, 2016

**BERTRAND, FOX, ELLIOT, OSMAN  
& WENZEL**  
\*/s/ Amy Leifur Halby  
AMY LEIFUR HALBY  
Attorney for Defendant  
County of Alameda  
\*Ms. Halby has given permission for this  
document to be filed electronically.

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28 STIPULATION AND ~~PROPOSED~~ ORDER] TO CONTINUE CASE MANAGEMENT CONFERENCE & HEARING ON

DEFENDANT'S MOTION TO DISMISS

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Dated: November 28, 2016

**OAKLAND CITY ATTORNEY'S OFFICE**

*\*/s/ Kimberly A. Bliss*

KIMBERLY A. BLISS

Attorney for Defendant

CITY OF OAKLAND, SCOTT SEDER, RICHARD

COGLIO AND VICTOR GARCIA

\*Ms. Bliss has given permission for this document to be filed electronically.

STIPULATION AND ~~PROPOSED~~ ORDER] TO CONTINUE CASE MANAGEMENT CONFERENCE & HEARING ON

DEFENDANT'S MOTION TO DISMISS

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~~PROPOSED~~ ORDER

PURSUANT TO THE ABOVE STIPULATION, and GOOD CAUSE APPEARING, the hearing on Defendant's Motion to dismiss is continued to January 12, 2017 at 8:00 a.m. . The briefing schedule is to remain unchanged.

The case management conference shall occur at the same time.

**SO ORDERED.**

Dated: November 29, 2016

  
\_\_\_\_\_  
Honorable Judge Alsup

STIPULATION AND ~~PROPOSED~~ ORDER] TO CONTINUE CASE MANAGEMENT CONFERENCE & HEARING ON

DEFENDANT'S MOTION TO DISMISS