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4 **DISABILITY RIGHTS EDUCATION**

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8 [ADDITIONAL COUNSEL LISTED ON NEXT PAGE]

9 *Attorneys for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **SAN FRANCISCO DIVISION**

13 STUDENT A, by and through PARENT A, her  
14 guardian; STUDENT B, by and through  
15 PARENT B, his guardian; STUDENT C, by and  
16 through PARENT C, his guardian; and  
17 STUDENT D, by and through PARENT D, her  
18 guardian, each one individually and on behalf of  
19 all other similarly situated children,

20 Plaintiffs,

21 v.

22 THE BERKELEY UNIFIED SCHOOL  
23 DISTRICT; DONALD EVANS, in his official  
24 capacity as the Superintendent for the Berkeley  
25 Unified School District; BEATRIZ LEYVA-  
26 CUTLER, TY ALPER, JUDY APPEL, JOSH  
27 DANIELS, and KAREN HEMPHILL, each in  
28 his or her official capacity as a director of the  
Berkeley Unified School District Board of  
Education; THE BOARD OF EDUCATION OF  
THE BERKELEY UNIFIED SCHOOL  
DISTRICT,

Defendants.

Case No. 3:17-cv-02510-JST

STIPULATION SETTING AND  
CONTINUING BRIEFING SCHEDULE  
AND HEARING ON DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS'  
COMPLAINT

CLASS ACTION

**Current Hearing**

**Date:** August 10, 2017

**Time:** 2:00 p.m.

**Courtroom:** 9, 19<sup>th</sup> Floor

**Judge:** Hon. Jon S.  
Tigar

**Proposed New**

**Date:** Aug. 24, 2017

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1 Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, Plaintiffs Student A, B, C, and D  
2 (collectively, “Plaintiffs”) and Defendants The Berkeley Unified School District, Donald Evans, in  
3 his official capacity as the Superintendent for the Berkeley Unified School District; Beatriz Leyva-  
4 Cutler, Ty Alper, Judy Appel, Josh Daniels, and Karen Hemphill, each in his or her official  
5 capacity as a director of the Berkeley Unified School District Board of Education; and The Board  
6 of Education of Berkeley Unified School District (collectively, “Defendants”), by and through  
7 their respective counsel, HEREBY STIPULATE and AGREE as follows:

8 WHEREAS, Plaintiffs filed their Complaint for Injunctive and Declaratory Relief  
9 against Defendants (“Complaint”) (Dkt. 1) on May 2, 2017 in the United States District Court,  
10 Northern District of California, which was initially assigned Case No. 3:17-cv-02510-MEJ, and  
11 which was subsequently assigned to the Honorable Jon S. Tigar on June 21, 2017 (Dkt. 49);

12 WHEREAS, on May 29, 2017, Defendants requested and Plaintiffs agreed to a 20-  
13 day extension of time, to and including June 19, 2017, within which to file Defendants’ responsive  
14 pleading.

15 WHEREAS, on May 30, 2017, Defendants filed a stipulation requesting the above-  
16 referenced 20-day extension of time, to and including June 19, 2017, within which to file  
17 Defendants’ responsive pleading to Plaintiffs’ Complaint (Dkt. 38).

18 WHEREAS, on June 19, 2017 (Dkt. 46), Defendants filed their Notice of Motion  
19 and Motion to Dismiss [FRCP 12(b)(1) and (6)] (“Motion to Dismiss”), which is currently set for  
20 hearing on August 10, 2017, the opposition to which is currently due on July 3, 2017, and to  
21 which a reply is due on June 10, 2017;

22 WHEREAS, no prior extension of time in which to respond or continue the briefing  
23 schedule and hearing date for the Motion to Dismiss (Dkt. 46) has been requested by parties; and

24 WHEREAS, the extension of time to respond and continue the briefing schedule  
25 and hearing date to the Motion to Dismiss, agreed upon by the parties, will not alter or affect any  
26 event or deadline fixed by the Court at this time.

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NOW, THEREFORE, the parties stipulate and agree as follows:

1. The time for Plaintiffs to file their Opposition to Defendants’ Motion to Dismiss shall be extended by ten (10) days, to and including July 13, 2017.

2. The time for Defendants to file their Reply in Support of their Motion to Dismiss shall be extended by five (5) days based on the modified July 13, 2017 Opposition Filing Date, to and including July 25, 2017.

3. The date of the hearing shall be extended by fourteen (14) days, and shall be set for August 24, 2017.

DATED: June 27, 2017

Respectfully submitted,

By: /s/ Larisa Cummings  
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*Attorneys for Plaintiffs*

DATED: June 27, 2017

Respectfully submitted,

By: /s/ Beatriz Berumen

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*Attorneys for Defendants*

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: June 28, 2017

  
\_\_\_\_\_  
HON. JON S. FIGAR  
UNITED STATES DISTRICT JUDGE