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13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

17 **STEPHEN LIEBB,**
 18
 Plaintiff,
 19
 v.
 20
 21 **C. DALY, BPT COMMISSIONER,**
 22
 Defendant.

Case No. C 04-0950 CW (PR)

**JOINT STIPULATION AND
 ORDER TO SET
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT FOR
 HEARING AS MODIFIED**

24 On March 17, 2009, the Court denied Defendant's motion for judgment on the pleadings
 25 and ordered Defendant to file a motion for summary judgment within sixty days. Plaintiff's
 26 opposition was due within thirty days, and Defendant's reply fifteen days thereafter. (Order Den.
 27 Def.'s Mot. J. Pleadings 11.) In its order, the Court did not schedule a hearing date. (*See id.*)
 28

1 Northern District Civil Local rules generally require that a motion be “noticed on the
2 motion calendar of the assigned Judge for hearing not less than 35 days after service of the
3 motion.” Civ. L. R. 7-2. Moreover, Defendant’s motion includes complex issues of state law
4 governing the application of the doctrine of res judicata. Accordingly, the parties believe oral
5 argument is necessary on this motion.
6

7 The parties’ counsel are both available for oral argument on July 9, 2009 at 2:00 p.m. and
8 respectfully request that the Court place this matter on its motion calendar on that date. If the
9 hearing cannot be scheduled on that date, the parties respectfully request that the matter be heard
10 on the Court’s next available law and motion hearing date, subject to the following exceptions: 1)
11 Plaintiff’s counsel is unavailable from July 10 to 31, 2009; 2) Defendant’s counsel is unavailable
12 from August 10 to 14, 2009.
13

14 IT IS SO STIPULATED:

15
16 DATED: _____

17 KEITH WATTLEY
UNCOMMON LAW
Attorney for Plaintiff Stephen Liebb

18
19 DATED: _____

EDMUND G. BROWN JR.
Attorney General of California

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21 By: _____

SCOTT J. FEUDALE
Deputy Attorney General
Attorney for Defendant C. Daly

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23
24 IT IS ORDER that Defendants motion for summary judgment shall be heard on August 27, 2009
25 at 2:00 p.m. in Courtroom 2 of this Court, unless the Court decides the matter on the papers
26 before that or vacates the hearing.

27 7/14/09
28 DATED: _____



HON. CLAUDIA WILKEN
United States District Judge

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