

1 LAW OFFICE OF CHRISTINE BRADY
 Christine Brady, State Bar No. 276284
 2 1500 20th Street
 San Francisco, CA 94107
 3 Telephone: (408) 375-0587
 Facsimile: (415) 920-0427
 4 *Attorney for Plaintiff*
James William Covert

5
 6 KAMALA D. HARRIS
 Attorney General of California
 DAMON G. MCCLAIN
 7 Supervising Deputy Attorney General
 KYLE A. LEWIS
 8 Deputy Attorney General
 State Bar No. 201041
 9 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 10 Telephone: (415) 703-5500
 Fax: (415) 703-5843
 11 E-mail: Kyle.Lewis@doj.ca.gov
Attorneys for Defendants
 12 *Graham and Harrison*

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

18 **JAMES W. COVERT,**

19 Plaintiff,

20 v.

21 **D. GRAHAM, et al.,**

22 Defendants.

C 06-6626 SBA

**STIPULATION AND ORDER
 CHANGING TIME TO FILE
 DEFENDANTS' REPLY SUPPORTING
 MOTION TO DISMISS**

23 Judge: The Honorable Sandra B.
 Armstrong
 Action Filed: October 24, 2006

24
 25 Under Civil L.R. 6-2, Plaintiff James William Covert and Defendants Graham and
 26 Harrison, by and through their respective counsel of record, stipulate to changing time so that
 27 Defendants' reply in support of their Motion to Dismiss, currently due on September 25, 2012,
 28 may now be filed by October 3, 2012.

1 **I. REASONS FOR ENLARGEMENT OF TIME.**

2 Defendants seek additional time to prepare their reply in support of their motion to dismiss
3 because Defendants' counsel has various matters in other litigation due at the same time as the
4 reply brief. Specifically, counsel is preparing responses to three sets of discovery, responses to
5 meet-and-confer correspondence, and a motion for summary judgment in *Gonzalez v. Zika*, No.
6 11-cv-5561 CW (N.D. Cal.), all due on September 24, 2012. Counsel is also preparing discovery
7 responses that are due during the week of September 24, 2012, in *Munoz v. Tilton*, No. C 07-3846
8 EJD (N.D. Cal.), and being provided in advance of an alternative dispute resolution
9 teleconference. Because these activities prevent Defendants' counsel from fully assessing
10 Plaintiff's opposition and further addressing this matter's complex exhaustion issues under the
11 current schedule, Defendants' counsel seeks additional time to prepare the reply brief. Plaintiff's
12 counsel does not object to the enlargement of time.

13 **II. PREVIOUS TIME MODIFICATIONS.**

14 On December 11, 2009, Defendants filed a request for a three-day extension of time to file
15 a dispositive motion. (Court Docket No. 23.) The Court granted Defendants' request on
16 December 21, 2009. (Court Docket No. 30.) On April 16, 2012, Defendants filed a motion to
17 change time to file a dispositive motion, requesting to extend the filing deadline by forty-five
18 days. (Court Docket No. 45.) The Court granted Defendants' motion on April 24, 2012. (Court
19 Docket No. 48.)

20 On July 3, 2012, Plaintiff moved to enlarge time to oppose Defendants' motion to dismiss
21 by thirty days. (Court Docket No. 54.) The Court granted Plaintiff's motion on July 18, 2012.
22 (Court Docket No. 57.)

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1 **III. EFFECT THE REQUESTED TIME MODIFICATION WILL HAVE ON THE SCHEDULE.**

2 Besides the dispositive motion briefing dates, the Court has set no deadlines in this matter
3 and no hearing on Defendants' motion to dismiss is scheduled. Other than extending the date that
4 Defendants' reply brief is due, the parties' stipulation will have no impact on the schedule in this
5 matter.

6 **IV. AUTHORIZATION FOR ELECTRONIC SIGNATURES AND ATTESTATION.**

7 The parties stipulate that electronic signatures may be used in lieu of physical signatures on
8 this agreement. Under Civil L.R. 5-1(i)(3), Defendants' counsel attests that Plaintiff's counsel
9 concurs in the content and filing of this stipulation and proposed order.

10
11 Dated: September 19, 2012

12 By /s/ Christine Brady
13 Christine Brady
14 Attorney for Plaintiff James William Covert

15
16 Dated: September 19, 2012

17 By /s/ Kyle A. Lewis
18 Kyle A. Lewis
19 Attorney for Defendants Graham and Harrison

20
21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23
24 9/21/12
25 Date

26
27 
28 THE HONORABLE SAUNDRA B. ARMSTRONG
United States District Judge

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