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10 Attorneys for Defendants CITY OF FREMONT
 FREMONT POLICE CHIEF CRAIG STECKLER, and
 11 OFFICERS TIMOTHY BALDOCCHI,
 And MATTHEW SNELSON
 12

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 JOSE HIGAREDA GOMEZ,
 16 Plaintiff,
 17 vs.
 18 CITY OF FREMONT, CRAIG STECKLER,
 Individually and In His Capacity As the Fremont
 19 Police Chief; Officer TIMOTHY BALDOCCHI,
 Individually and In His Capacity As A Fremont
 20 Police Officer; and Officer MATTHEW
 SNELSON, Individually and In His Capacity As
 21 A Fremont Police Officer; DOES 1THROUGH
 22 20, INCLUSIVE,
 Defendants.
 23
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Case No.: C07-00005 WDB

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO POSTPONE MOTION FOR SUMMARY
 JUDGEMENT PENDING CASE RE-
 ASSIGNMENT**

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 26 IT IS HEREBY STIPULATED by the parties hereto, through their respective undersigned
 attorneys of record, that the defendants' motion for summary judgment presently calendared for a
 27 hearing on Friday September 4, 2009 before the Honorable Wayne D. Brazil shall be taken off
 28 calendar. The reasons are as follows. Judge Brazil has announced his retirement at the end of

1 September, 2009. The parties are meeting and conferring on a possible re-assignment to another
2 Magistrate Judge or if they are unable to agree to have the case re-assigned by the Clerk of the Court.
3 Due to his schedule, the deposition of defendant Matthew Snelson cannot be noticed until September
4 9, 2009, which is after the presently scheduled hearing date for the MSJ. Therefore good cause
5 exists for the Court to grant this Stipulation and take the presently scheduled hearing date for the
6 defendants' motion for summary judgment off calendar. Defendant will notice its motion in advance
7 so as to provide plaintiff at least 30 calendar days to file its opposition. The parties also agree to have
8 the motion heard no later than January of 2010.

9 It is further agreed by the parties that the motion will be re-scheduled by the new judge
10 assigned to the case after Judge Brazil retires.

11 DATED: July 30, 2009

BERTRAND, FOX & ELLIOT

12 By: _____ /s/

13 Gregory M. Fox
14 Arlene C. Helfrich
15 Attorney for Defendants
16 CITY OF FREMONT, FREMONT POLICE
17 CHIEF CRAIG STECKLER, and
18 OFFICERS TIMOTHY BALDOCCHI, and
19 MATTHEW SNELSON

20 DATED: July 30, 2009

LAW OFFICE OF STEVEN JACOBSEN

21 By: _____ /s/

22 Brenda Posada
23 Steven R. Jacobsen
24 Attorney for Plaintiff
25 JOSE HIGAREDA GOMEZ

26 **ORDER**

27 Good cause appearing,

28 THE STIPULATION IS SO ORDERED.

Dated: 7/31/09, 2009


Hon. Wayne D. Brazil
UNITED STATES DISTRICT COURT JUDGE

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ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document.

Dated: July 30, 2009

/s/
Arlene C. Helfrich