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Attorneys for Plaintiffs
 Robert Carl Patrick Keane and Chieko Strange

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ROBERT CARL PATRICK KEANE,
 individually; and CHIEKO STRANGE,
 individually,

Plaintiffs,

vs.

SETH M. MCMULLEN, PAUL ACCORNERO
 and JOHN SILVA,

Defendants.

No.: C-07-04894 SBA

**STIPULATION AND ~~PROPOSED~~
 ORDER ADVANCING HEARING ON
 DEFENDANT'S MOTION TO COMPEL
 PRODUCTION AND ADOPTING LETTER
 BRIEF PROCEDURE TO AUGMENT
 ISSUES TO BE DECIDED**

Compl. Filed: February 19, 2008

Chief Magistrate Judge James Larson

STIPULATION

WHEREAS, Federal Defendants Seth McMullen and John Silva filed a motion to compel discovery or, in the alternative, to limit issues for trial ("MTC") on August 12, 2008;

WHEREAS, the Federal Defendants' motion originally was set to be heard on District Judge Sandra Brown Armstrong's September 16, 2008 calendar;

WHEREAS, on August 14, 2008, Judge Armstrong referred this case to a magistrate judge for all discovery and the Federal Defendants' motion thereafter was assigned to Chief Magistrate Judge James Larson;

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1 WHEREAS, on August 15, 2008, Federal Defendant's motion was continued and a new date
2 of October 15, 2008 was given for hearing on the motion; and

3 WHEREAS, after the Federal Defendants' motion to compel was filed, the exchange of
4 additional information between the parties has changed substantially the issues raised in the motion
5 that must be decided; and

6 WHEREAS, multiple additional discovery disputes remain between the Federal Defendants
7 and Plaintiffs and separate issues remain between Defendant Paul Accornero and Plaintiffs which
8 are not addressed in the pending motion and which the parties wish to address with the Chief
9 Magistrate;

10 WHEREAS, the Chief Magistrate Judge now is unavailable October 15, 2008 and counsel
11 for Accornero is not available October 8, 2008;

12 IT IS THEREFORE STIPULATED between Plaintiffs, Federal Defendants John Silva and
13 Seth McMullen and Defendant Paul Accornero, by and through their undersigned attorneys of
14 record, for the convenience of the parties and the Court:

- 15 1. Federal Defendant Seth McMullen and John Silva's pending motion to compel shall
16 ADVANCED so as to be heard October 8, 2008 at 9:30 a.m.; the issues to be
17 addressed, however, shall be recast in their entirety in a five page single-
18 spaced joint statement ("Statement"); in addition to the recast issues in
19 Federal Defendant's previously-filed motion, the Statement shall address
20 additional outstanding discovery issues existing between Federal Defendants
21 and Plaintiffs,
- 22 2. The Statement shall be filed no later than September, 29, 2008;
- 23 3. If additional discovery issues exist between Plaintiffs and Defendant Accornero, such
24 issues shall be addressed in a separate five page single-spaced joint statement
25 to be filed on or before October 29, 2008; if necessary, a hearing on such

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additional issues shall take place on a date to be set by the Court.

SO STIPULATED:

DATED: September 24, 2008 REED SMITH LLP

By /s/ James E. Heffner
James E. Heffner
Attorneys for Plaintiffs
ROBERT CARL PATRICK KEANE and CHIEKO
STRANGE

DATED: September 24, 2008 MEYERS, NAVE, RIBACK, SILVER & WILSON LLP

By /s/ Tricia L. Hynes
Tricia L. Hynes
Attorneys for Defendant
PAUL ACCORNERO and JOHN SILVA

DATED: September 24, 2008 JOSEPH P. RUSSONIELLO, United States Attorney

By /s/ Abraham A. Simmons
ABRAHAM A. SIMMONS
Assistant United States Attorney
United States Department of Justice
Attorneys for Defendants SETH MCMULLEN and
JOHN SILVA

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~~PROPOSED~~ ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court orders as follows:

1. Federal Defendant Seth McMullen and John Silva's pending motion to compel shall ADVANCED so as to be heard October 8, 2008 at 9:30 a.m.;
2. On or before September, 29, 2008, the parties shall file a joint statement not to exceed five single-spaced pages addressing outstanding discovery issues existing between Federal Defendants and Plaintiffs,
3. If additional discovery issues exist between Plaintiffs and Defendant Accornero, such issues shall be addressed in a separate five page single-spaced joint statement to be filed on or before October 29, 2008;
4. A hearing on discovery issues existing between Accornero and Plaintiffs, if necessary, shall be scheduled for ~~XXXXXXXXXXXX~~ 2008.

PURSUANT TO STIPULATION IT IS SO ORDERED:

DATED: September 29, 2008


 Chief Magistrate Judge James Larson

