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 13 CITY OF RICHMOND

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

18 JEFFREY HERSON, an individual; EAST
 19 BAY OUTDOOR, INC., a California
 corporation,

20 Plaintiffs,

21 v.

22 CITY OF RICHMOND, a charter city,

23 Defendant.

Case No. 4:09-cv-02516-PJH

**STIPULATION RE SUMMARY
 JUDGMENT; [PROPOSED] ORDER
 AS MODIFIED**

Judge: Honorable Phyllis J. Hamilton
 Dept.: Courtroom 3

Trial Date: July 25, 2011

1 Pursuant to this Court's order of April 25, 2011, the parties hereby stipulate and notify
2 the Court of their proposal for further cross-motions for summary judgment as contemplated by
3 the April 25 order.

4 The parties propose to file cross-motions for summary judgment on July 1, 2011, to be
5 heard on August 10, 2011. Each party's opening brief shall be no more than ten pages in length.
6 Each party shall file a consolidated opposition/reply brief of no more than five pages in length
7 on or before July 27, 2011.

8 This schedule would conflict with the July 25, 2011 trial date and thus would require a
9 continuance of the trial date. The parties accordingly request that the Court vacate the trial date
10 and other remaining deadlines established in the Court's scheduling order, as amended. The
11 parties request that the Court set the case for trial on the first available trial date and reset the
12 remaining dates in the scheduling order based on the new trial date.

13 The parties therefore respectfully request that the Court enter the attached order
14 effectuating all of the foregoing.

15 DATED: May 5, 2011

SHUTE, MIHALY & WEINBERGER LLP

16
17 By: /s/ Matthew D. Zinn

MATTHEW D. ZINN

18
19 Attorneys for Defendant
20 CITY OF RICHMOND

21 DATED: May 5, 2011

RAM & OLSON LLP

22
23
24 By: /s/ Karl Olson (signature page attached)

KARL OLSON

25
26 Attorneys for Plaintiffs
27 JEFFREY HERSON and EAST BAY OUTDOOR,
28 INC.

1 **[PROPOSED] ORDER**

2 Having considered the parties' stipulation regarding summary judgment, which the
3 parties submitted as provided in this Court's April 25, 2011 Order Granting Summary Judgment
4 in Part and Denying Summary Judgment in Part, it is hereby ORDERED as follows:

5 1. The parties shall file their additional cross-motions for summary judgment, as
6 provided for in this Court's April 25, 2011 order, on or before ~~July 1, 2011~~ June 29, 2011. Each party's
7 opening brief shall be no more than ten pages in length.

8 2. Each party shall file a consolidated opposition/reply brief of no more than five
9 pages in length on or before July 27, 2011.

10 3. The Court will hear argument on the cross-motions for summary judgment on
11 August 10, 2011 at 9:00 a.m.

12 4. The remaining dates and deadlines established in this Court's scheduling order, as
13 amended, are vacated. The new dates and deadlines ~~are established as follows:~~ will be set after the motion is resolved.

14 Expert disclosures: _____

15 Expert discovery cutoff: _____

16 Pretrial conference: _____

17 Trial date: _____

18 DATED: May 9, 2011

