DAVID J. BEAUVAIS (CA Bar # 84275) 409 13<sup>th</sup> Street, 20<sup>th</sup> Floor Oakland, California 94612 Telephone: (510) 832-3605 3 Facsimile: 9510) 832-3610 4 Attorney for Plaintiffs JEFFREY HERSON and 5 EAST BAY OUTDOOR, Inc. 6 7 8 9 UNITED STATES DISTRICT COURT 10 NORTHERN DISTRICT OF CALIFORNIA 11 12 JEFFREY HERSON and EAST BAY ) No. C 09-2516 PJH OUTDOOR, Inc., 13 STIPULATION AND ORDER TO 14 **CONTINUE HEARING ON MOTION** Plaintiffs, FOR SUMMARY JUDGMENT 15 VS. 16 17 CITY OF RICHMOND, 18 19 Defendant. 20 21 22 Plaintiffs, JEFFREY HERSON and EAST BAY OUTDOOR, Inc. ("Plaintiffs)" through 23 their counsel DAVID J. BEAUVAIS and defendant CITY OF RICHMOND, ("Defendant") 24 through its counsel, SHUTE, MIHALY & WEINBURGER, LLP, hereby stipulate to continue the 25 hearing on Defendant's motion for summary judgment from March 2, 2011 to March 16, 2011. 26 27 This stipulation is made with reference to the following facts: 28

- 1. On March 1, 2011, plaintiff's counsel will be in Washington, D.C. to attend oral argument in the United States Supreme Court in the case of *Camreta v. Greene*. Plaintiff's counsel has written an amicus brief in support of the respondent in that case and has already made travel arrangements. On the evening of March 1, counsel expects to attend a function with respondent's counsel and other lawyers who participated in that case.
- 2. Due to a series of snowstorms that have plagued the northeast all winter with frequent flight cancellations and disruptions, counsel cannot be sure that he would return in time for the hearing in this case on the morning of March 2 even if he booked a flight on March 1.
- 3. Defendant's counsel is scheduled for trial during the week of March 7, 2011and thus would be unavailable for a March 9 hearing.
- 4. The parties have agreed to the following briefing schedule: Plaintiffs' opposition to be filed by February 18, 2011 and defendant's reply to be filed on March 2, 2011.

DATED: January 28, 2011

/s/ David J. Beauvais DAVID J. BEAUVAIS Attorney for Plaintiffs

DATED: January 28, 2011

/s/ Matthew Zinn
On behalf of SHUTE, MIHALY
& WEINBURGER
Attorneys for Defendant

## **ORDER**

Good cause appearing, the hearing on Defendant's motion for summary judgment is continued from March 2, 2011 at 9:00 A.M. to March 16, 2011 at 9:00 A.M. and the deadline to hear dispositive motions is likewise extended to March 16, 2011.

DATED: 2/1/11

