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14 Attorneys for Defendant
 15 ALAN LEAL

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 L.S., by and through his guardian ad litem,
 19 LAURIAN STUDESVILLE,

20 Plaintiffs,

21 v.

22 CITY OF OAKLAND, a municipal
 23 corporation; WAYNE TUCKER, in his
 24 official capacity as Chief of Police for the
 25 City of Oakland; ALAN LEAL, individually,
 26 and in his capacity as a police officer for the
 27 City of Oakland; and City of Oakland police
 28 officers DOES 1-25, inclusive,

Defendants.

Case No. C09-03004 CW

**STIPULATION AND ORDER
 CONTINUE DATE FOR DEFENDANT
 ALAN LEAL'S RESPONSIVE
 PLEADING**

WHEREAS, on July 2, 2009, Plaintiff filed his Complaint in the above-captioned matter;

WHEREAS, on September 28, 2009, in lieu of an Answer to Plaintiffs' Complaint,

Defendant ALAN LEAL filed a Motion to Dismiss Plaintiff's State Law Claims Under Rule

12(b)(6);

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1 WHEREAS, on December 2, 2009, the Court issued an Order Granting with Leave to
2 Amend Defendant Leal's Motion to Dismiss, permitting Plaintiff to amend his Complaint in
3 accordance with the Order, such Amended Complaint to be filed within 21 days of the date of
4 the Order;

5 WHEREAS, on December 7, 2009, Plaintiff's counsel confirmed he will file an
6 Amended Complaint on Plaintiff's behalf, pursuant to the Court's Order, on or before December
7 23, 2009;

8 WHEREAS, any responsive pleading prepared by Defendant ALAN LEAL to Plaintiff's
9 original Complaint—an obligation triggered by the Court's Order on the Motion to Dismiss—
10 will be rendered superfluous by Plaintiff's forthcoming filing of an Amended Complaint;

11 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF
12 RECORD, DO HEREBY STIPULATE, AGREE AND RESPECTFULLY SUBMIT TO THE
13 COURT THAT:

14 Defendant ALAN LEAL shall only be required to file a responsive pleading to Plaintiff's
15 forthcoming Amended Complaint. The operative deadline for Defendant ALAN LEAL's filing
16 of a responsive pleading shall be triggered by Plaintiff's filing of his Amended Complaint, set to
17 occur on or before December 23, 2009.

18
19 IT IS SO STIPULATED.

20 DATED: December 8, 2009

BURNHAM BROWN

21
22
23 By _____
24 JAMES Y. HIGA
25 Attorneys for Defendant
26 ALAN LEAL
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DATED: December ____, 2009

LAW OFFICES OF JOHN L. BURRIS

By _____
ADANTE D. POINTER
Attorneys for Plaintiff
L.S., by and through his guardian ad litem,
LAURIAN STUDEVILLE

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DATED: December 21, 2009



HONORABLE CLAUDIA WILKEN
JUDGE OF THE UNITED STATES DISTRICT
COURT