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3 Plaintiff In pro per
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12 PATRICK DONAHOE

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

17 JESSE J. BOYKIN,) No. C 10-2517 SBA
18 Plaintiff,)
19 v.) **STIPULATION TO CONTINUE**
20 PATRICK DONAHOE, United States) **PRETRIAL DEADLINES AND**
Postmaster General,) **VACATE TRIAL DATE; ORDER**
21 Defendant.)
22)
23)

24 Subject to the approval of the Court, the parties hereby stipulate to continue all pretrial
25 deadlines, including the pretrial conference, by six weeks as set forth below, and to vacate the
26 trial date, to be reset by the Court if necessary.

27 The parties believe good cause exists for this stipulation and proposed order as follows:
28 Defendant filed a motion for summary judgment (Doc. #64) on October 3, 2011. On defendant's

STIP. TO CONTINUE PRETRIAL DEADLINES AND VACATE TRIAL DATE; [PROPOSED] ORDER
C 10-2517 SBA

1 *ex parte* motion for shortened time, the Court set the motion for hearing on November 15, 2011.
2 (Doc. #73.) The Court subsequently continued the motion hearing to December 6, 2011. (Doc.
3 #77.) On November 30, 2011, the Court vacated the motion hearing and stated that it would
4 resolve the motion in a separate order. (Doc. #78.) Pretrial preparation such as the joint pretrial
5 statement, trial briefs, jury instructions, exhibits, etc., is currently due on December 27, 2011.
6 (Doc. #32.) Motions in Limine and Objections to Evidence are currently due on January 3,
7 2012. Id. The pretrial conference is currently set for January 24, 2012, and jury trial is currently
8 set to begin on January 30, 2012. Id.

9 The parties believe that, given the extensive pretrial preparation that is due in less than two
10 weeks, it would be more efficient for the parties to wait for the Court's ruling on defendant's
11 motion for summary judgment, because depending on how the Court rules, the entire complaint,
12 or certain of plaintiff's claims, may be disposed of on summary judgment or partial summary
13 judgment. If summary judgment is granted, then the parties can avoid unnecessarily expending
14 enormous time and resources on pretrial preparation by awaiting that decision. If partial
15 summary judgment is granted, the parties will benefit from awaiting that decision by receiving
16 guidance on what issues remain for trial to be addressed in their pretrial papers, and will not
17 expend unnecessary time and resources, or unnecessarily consume the Court's time and
18 resources, by filling the pretrial papers with claims and defenses which may be disposed of on
19 partial summary judgment.

20 The parties believe there is further good cause given that the pretrial preparation and motions
21 in limine are currently due right after Christmas and the New Year. The *pro se* plaintiff is a
22 letter carrier and the holiday season is the busiest time of the year for the Postal Service. If the
23 requested continuance is granted, the parties and counsel will also have more time to spend with
24 their families during the holiday season.

25 The requested continued pretrial deadlines are as follows:

26 Pretrial Preparation (described in Doc. #32 ¶ 5) due: 2/7/12

27 Motions in Limine and Objections to Evidence due: 2/14/12

28 Responses to Motions in Limine or Objections to Evidence due: 2/21/12

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Replies to Motions in Limine or Objections to Evidence due: 2/28/12

Pretrial Conference: 3/6/12

Trial Date: Vacated, to be reset by the Court if necessary

DATED: _____

By: _____

JESSE J. BOYKIN
Plaintiff In Pro Per

MELINDA HAAG
United States Attorney

DATED: _____

By: _____

NEILL T. TSENG
Assistant United States Attorney
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 12/15/11



HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
FOR THE
2 NORTHERN DISTRICT OF CALIFORNIA

3 BOYKIN et al,
4
5 Plaintiff,

Case Number: CV10-02517 SBA

CERTIFICATE OF SERVICE

6 v.
7 POTTER ET AL et al,
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on December 20, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
12 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
13 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
14 delivery receptacle located in the Clerk's office.

15 Jesse J. Boykin
745 Jackson Street
16 Fairfield, CA 94533-5715

17 Dated: December 20, 2011

18 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk

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