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10 Attorney for Plaintiff JOSE BERMUDEZ

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 JOSE BERMUDEZ,
 14 Plaintiff,
 15 v.

Case No.: C10-02893 CW

**STIPULATED REQUEST AND ORDER TO
 VACATE DATE OF RULE 12 MOTION
 HEARING PENDING DISMISSAL OF THE
 ACTION**

16 CITY OF BERKELEY; OFFICER RODERICK
 ROE # 81 in his capacity as an individual;
 17 OFFICER JOHN JONES # 5 in his capacity as
 an individual; FORMER CHIEF OF POLICE
 18 DOUGLAS N. HAMBLETON in his official
 capacity and in his capacity as an individual;
 19 BERKELEY BOWL PRODUCE, INC.; TOSHA
 ANDERSON in her capacity as an individual;
 20 DAVID CRAIB in his capacity as an individual;
 and DOES 1-100,
 21 Defendants.
 22

23 The parties to the above action having reached a settlement agreement (contingent on
 24 approval by the Berkeley City Council with respect to Defendants CITY OF BERKELEY,

**STIPULATED REQUEST AND [PROPOSED] ORDER TO VACATE RULE 12
 MOTION HEARING DATE PENDING DISMISSAL OF THE ACTION**

Case No. C10-02893

1 FORMER OFFICER RODERICK ROE, OFICER JOHN JONES, and FORMER CHIEF
2 DOUGLAS N. HAMBLETON only), Defendants BERKELEY BOWL PRODUCE, INC., TOSHA
3 ANDERSON, and DAVID CRAIB, together with Plaintiff JOSE BERMUDEZ, by joint stipulation,
4 hereby ask the Court to ORDER that the date of the hearing on Defendants' Motion to Dismiss
5 (Rule 12(b)(6)) or for Judgment on the Pleadings (Rule 12(c)) Regarding Plaintiff's 13th, 14th,
6 15th, 16th, and 19th Causes of Action (docket # 51), currently set for Thursday, April 7 at 2:00
7 pm, be VACATED; and that the said hearing be indefinitely CONTINUED pending dismissal of
8 the action.

9 IT IS SO STIPULATED.

10 Dated: 3/15/2011

LAW OFFICES OF C. MORRAY-JONES

11 By: s/C.R.A Morray-Jones
12 Christopher R.A. Morray-Jones
13 Attorney for Plaintiff Jose Bermudez

14 Dated: 3/15/2011

MURO & LAMPE, INC.

15 By: s/Ross E. Lampe
16 Ross E. Lampe
17 Attorney for Defendants Berkeley Bowl
18 Produce, Inc., Tosha Anderson, and
David Craib

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED**, except that the motions are
20 denied without prejudice to re-noticing promptly if the settlement is not completed.

21 Date: 3/16/2011

22 Signed: 
23 Claudia Wilken
24 United States District Judge