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7 Attorney for Plaintiffs SEAN O'TOOLE,
 8 KELLEY O'TOOLE, STEVEN DANIEL LEE,
 9 JENNIFER LYNN CURTIS, and JACK FOSTER

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

12 SEAN O'TOOLE, KELLEY O'TOOLE,
 13 STEVEN DANIEL LEE, JENNIFER LYNN
 14 CURTIS, and JACK FOSTER,

15 Plaintiffs,

16 vs.

17 CITY OF ANTIOCH, ANTIOCH POLICE
 18 DEPARTMENT, JAMES HYDE CHIEF
 19 OF ANTIOCH POLICE DEPARTMENT,
 20 NORMAN WIELSCH, JOSHUA
 21 VINCELET, JAMES WISECARVER JR.,
 22 STEVEN AIELLO, MICHAEL MCGARY,
 23 AND DOES 1 - 20, inclusive,

24 Defendants

Case No. C 11-01502 PJH

**STIPULATION AND [~~PROPOSED~~]
 ORDER CONTINUING THE HEARING
 ON DEFENDANTS' MOTION TO
 DISMISS**

25 There is currently pending a hearing on Defendants' City of Antioch, Antioch Police
 26 Department, James Hyde, Joshua Vincelet, James Wisecarver, Jr., and Steen Aiello's Motion To
 27 Dismiss Claims Per FRCP 12(b)(6) set for June 22, 2011, at 9:00 a.m. before the Honorable
 28 Phyllis J. Hamilton.

The parties hereto, through counsel, hereby stipulate to continue the hearing on the
 above-named Defendants' Motion to Dismiss to July 27, 2011, at 9:00 a.m. before the Honorable
 Phyllis J. Hamilton. The continuance is sought by Plaintiff's counsel because counsel has a
 settlement conference in the matter of *Hernandez v. City of Napa*, United States District Court,
 Northern District of California case number 09-2782, set for June 22, 2011, at 10:00 a.m. in the

1 San Francisco District Court.

2 The parties further stipulate that the briefing schedule in the instant matter shall not be
3 disturbed and Plaintiffs' opposition to the Motion shall remain due on or before June 1, 2011.

4 Any reply to the opposition must be filed on or before June 8, 2011.

5 Additionally, this case is set for a Case Management Conference on July 14, 2011, at 2:00
6 p.m. In light of the Stipulation to continue the hearing on Defendants' Motion to Dismiss, the
7 parties further stipulate to continue the Case Management Conference to August 25, 2011, at
8 2:00 p.m.

9 LAW OFFICES OF TIM A. PORI

10 Dated: June 2, 2011

11 _____
12 TIM A. PORI
13 Attorney for Plaintiffs

14 McNAMARA, NEY, BEATTY, SLATTERY,
15 BORGES & AMBACHER, LLP

16 Dated: June ____, 2011

17 _____
18 JAMES V. FITZGERALD
19 Attorney for Defendants CITY OF ANTIOCH,
20 ANTIOCH POLICE DEPARTMENT, JAMES
21 HYDE, JOSHUA VINCELET, JAMES
22 WISECARVER, JR., STEVEN AIELLO

23 **[PROPOSED] ORDER**

24 Pursuant to the above Stipulation,

25 IT IS HEREBY ORDERED that the hearing on Defendants' Motion to Dismiss Claims
26 Pursuant to FRCP 12(b)(6) is continued to July 27, 2011, at 9:00 a.m. before the Honorable
27 Phyllis J. Hamilton.

28 IT IS FURTHER ORDERED that the Case Management Conference is continued to
August 25, 2011, at 2:00 p.m.

Dated: June 10, 2011

JUDGE OF THE U.S.
DISTRICT COURT

