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 9 DIABLO VALLEY COLLEGE and CONTRA
 10 COSTA COMMUNITY COLLEGE DISTRICT

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

11	)	Case No. C11-02624 SBA
12)	
13	)	STIPULATED REQUEST FOR COURT
14	)	ORDER ENLARGING TIME TO FILE
15	)	OPPOSITION AND REPLY BRIEF TO
16	)	DEFENDANTS' MOTION TO STRIKE, OR
17	)	IN THE ALTERNATIVE, DISMISS
18	)	PLAINTIFF'S FIRST AMENDED
19	)	COMPLAINT; DECLARATION OF
20	)	MICHAEL C. WENZEL IN SUPPORT
21	)	THEREOF
22)	
23	)	Date: February 28, 2012
24	)	Time: 1:00 p.m.
25	)	Courtroom: 1, 4 th Floor
26	)	Judge: Hon. Sandra B. Armstrong
27)	
28)	

23 IT IS HEREBY STIPULATED by all parties to this action that the parties have agreed to
 24 request that this Court issue an order enlarging time for Plaintiff SAMUEL THARPE to file an
 25 Opposition to Defendant CONTRA COSTA COMMUNITY COLLEGE DISTRICT'S
 26 (erroneously sued herein as "DIABLO VALLEY COLLEGE") Motion to Strike Plaintiff's First
 27 Amended Complaint pursuant to F.R.C.P. 12(f) or, in the alternative, to Dismiss Plaintiff's First
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1 Amended Complaint pursuant to F.R.C.P. 12(b)(6) (“Motion to Dismiss”), and for Defendant
2 CONTRA COSTA COMMUNITY COLLEGE DISTRICT to file a Reply Brief to Plaintiff’s
3 Opposition accordingly. The parties further agree, subject to the continued availability on this
4 Court’s calendar, that the hearing date on this motion shall remain on calendar for February 28,
5 2012.

6 The grounds for this Stipulated Request for Court Order Enlarging Time are as follows:

7 1. As Plaintiff is proceeding in the present matter *in propria persona*, and is not
8 registered with the Court’s electronic filing system, the DISTRICT serves Plaintiff with a paper
9 copy of all documents filed with the Court.

10 2. Following this Court’s Order granting the DISTRICT’s Motion to Dismiss
11 plaintiff’s original complaint, plaintiff filed a First Amended Complaint on October 6, 2011.
12 The DISTRICT timely filed a Motion to Strike, or, in the alternative, Motion to Dismiss the First
13 Amended Complaint on October 19, 2011. The motion is set for hearing on February 28, 2012.
14 Counsel for Defendant believed that plaintiff was served with a copy of the DISTRICT’s Motion
15 on October 19, 2011, as the practice and procedure of defense counsel’s firm during this entire
16 matter has been to serve all documents on plaintiff that had been electronically filed with the
17 Court.

18 3. On or about November 22, 2011, counsel for the DISTRICT received
19 correspondence from plaintiff indicating he did not receive a written copy of the DISTRICT’s
20 Motion. Immediately upon receipt of Plaintiff’s correspondence defense counsel attempted to
21 verify service on plaintiff, but was unable to locate a proof of service.

22 4. Defense counsel therefore caused the DISTRICT’s Motion to be served on
23 plaintiff via Federal Express Overnight Delivery on November 29, 2011, and immediately
24 prepared this Stipulated Request for a Court Order Enlarging Time, so that this Court may allow
25 plaintiff additional time to file and serve his Opposition to the DISTRICT’s Motion, and permit
26 the DISTRICT time to file any Reply.

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

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6 DR. SAMUEL THARPE,

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8 Plaintiff,

9
10 v.

11 DIABLO VALLEY COLLEGE et al,

12
13 Defendant.
14 _____/

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16
17 Case Number: CV11-02624 SBA

18
19 **CERTIFICATE OF SERVICE**

20
21
22 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
23 Court, Northern District of California.

24
25 That on December 1, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
26 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
27 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
28 delivery receptacle located in the Clerk's office.

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Samuel Tharpe
772 Lindsay Ave.
Rohnert Park, CA 94928

Dated: December 1, 2011

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