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 7 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

8 YVETTE FELARCA, et al.

CASE NO.: 4:11-cv-05719-YGR

9 Plaintiffs,

**STIPULATION AND PROPOSED
 ORDER TO REVISE CASE
 SCHEDULE**

10 vs.

11 ROBERT J. BIRGENEAU, et al.,

Date: November 13, 2012

Time: 2:00 p.m.

Ctrm: TBD

Judge: Hon. Yvonne Gonzalez Rogers

12 Defendants.
 13 _____

14 The parties, by and through their respective counsel, stipulate as follows:

15 **I. RECITALS**

16 1. On September 4, 2012, this Court ordered the following schedule for this case, per the
 17 stipulated request of the parties:

18 A. Defendants' responses to the Amended Complaint are due September 18,
 19 2012.

20 B. Plaintiffs' oppositions to any motions filed in response to the Amended
 21 Complaint are due October 16, 2012.

22 C. Any replies to oppositions to motions filed in response to the Amended
 23 Complaint are due on October 30, 2012.
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1 D. Hearings on any motions filed in response to the Amended Complaint shall
2 take place on Tuesday, November 13, 2012, at 2 p.m.

3 E. The Case Management Conference is set for December 3, 2012.

- 4 2. This was the first postponement of the current proceedings: the Case Management
5 Conference (CMC) had previously been scheduled for September 10, 2012. The current
6 stipulation is not requesting a further postponement of the CMC.
- 7 3. Counsel for plaintiffs have requested that defendants stipulate to a one-week extension of
8 the deadline for plaintiffs' opposition. Plaintiffs' counsel, in addition to preparing for a
9 felony immigration trial with the defendant still in custody that begins October 16, were
10 occupied with representing a union in an unforeseen September 30-October 5 strike; and
11 lead counsel Shanta Driver has come down with health problems that have constricted
12 her workday and prevented her from traveling.
- 13 4. Counsel for defendants have agreed to a one-week extension of the deadline for
14 plaintiffs' opposition, provided that the deadline for their reply is likewise extended by
15 one week.
- 16 5. Therefore, counsel for the parties have agreed to stipulate to the following briefing
17 schedule, subject to the Court's approval: plaintiffs' opposition to defendants' motions
18 would be due October 23, 2012; and replies to oppositions to motions would be due
19 November 6, 2012.
- 20 6. The attorneys have consulted and have determined that we are all jointly available on the
21 following possible date for the hearing: November 20, 2012.
- 22 7. If granted, the motions to dismiss would narrow the issues of this case.

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24 **II. STIPULATION**

- 1 1. Plaintiffs' oppositions to any motions filed in response to the Amended Complaint shall
2 be due on October 23, 2012.
- 3 2. Any replies to oppositions to motions filed in response to the Amended Complaint shall
4 be due on November 6, 2012.
- 5 3. Hearings on any motions filed in response to the Amended Complaint shall take place on
6 Tuesday, November 20, 2012 at 2 p.m., or at such other time as the Court may order.

7 By the parties' attorneys IT IS SO STIPULATED,

8 Date: October 15, 2012

SCHEFF, WASHINGTON & DRIVER

9
10 By /s/ Ronald Cruz
11 RONALD CRUZ
Attorneys for Plaintiffs

12 Date: October 15, 2012

ANDRADA & ASSOCIATES

13
14 By _____
15 RANDY ANDRADA
Attorneys for Defendants
16 GREGORY AHERN, OFFICER CHAVEZ,
OFFICER GARCIA, OFFICER KING and
17 OFFICER OBICHERE

18 Dated: October 15, 2012

CROWELL & MORING, LLP

19
20 By /s/ Janine L. Scancarelli
JANINE L. SCANCARELLI
Attorneys for Defendants
21 ROBERT J. BIRGENEAU, GEORGE
BRESLAUER, HARRY LE GRANDE, LINDA
22 WILLIAMS, JOHN WILTON, CLAIRE
HOLMES, MITCHELL CELAYA

23 Dated: October 15, 2012

LACKIE, DAMMEIER, MCGILL & ETHIR, APC

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By /s/ Russell M. Perry
RUSSELL M. PERRY
Attorneys for Defendants
OFFICER N. HERNANDEZ, OFFICER
LACHLER and DETECTIVE RICK FLORENDO

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/s/) within this e-filed document. /s/ Ronald Cruz

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 17, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE