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5 Attorneys for Plaintiff JOSEPH HOROWITZ

6  
 7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9 OAKLAND DIVISION

10  
 11 JOSEPH HOROWITZ,  
 12 Plaintiff,  
 13 vs.

**CASE NO.:** CV-17-02898 KAW

**STIPULATION AND ~~PROPOSED~~ ORDER  
 RE FILING OF A FIRST AMENDED  
 COMPLAINT PURSUANT TO F.R.C.P.  
 15(a)(2)**

14 UNITED STATES OF AMERICA; UNITED  
 STATES POSTAL SERVICE; HOWARD EARL  
 15 FISHER III; and DOES 1 through 15, inclusive,  
 16 Defendants.

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1 Plaintiff Joseph Horowitz (“Horowitz”) and Defendant United States of America (“Defendant”)  
2 hereby consent and stipulate that pursuant to Federal Rule of Civil Procedure 15(a)(2), Horowitz may  
3 file the First Amended Complaint that is attached to the Stipulation as Exhibit A. Horowitz’s First  
4 Amended Complaint shall be the now-operative pleading in the above-captioned litigation. Defendant  
5 shall have 30 days from the date the amended complaint is deemed filed to file its responsive  
6 pleading.

7 IT IS SO STIPULATED:

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9 Dated: January 11, 2018

Respectfully submitted,

10  
11 BRIAN J. STRETCH  
12 United States Attorney

13 /s/ David Pereda  
14 DAVID PEREDA  
15 Assistant United States Attorney  
16 Attorney for Defendant

17 /s/ Leon V. Roubinian  
18 LEON V. ROUBINIAN  
19 Attorney for Plaintiff

20 **\*CERTIFICATION**

21 Pursuant to Civil L.R. 5-1(i)(3), I, Leon V. Roubinian, hereby attest that Mr. Pereda concurred in  
22 the filing of this document.

23 **ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25  
26 Dated: 1/22/18

27 Kandis Westmore  
28 KANDIS A. WESTMORE  
United States Magistrate Judge