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 6 Attorneys for Plaintiff
 OSCAR LEATHERMAN

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

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 11 OSCAR LEATHERMAN,

12 Plaintiff,

13 vs.

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 15 CITY OF EUREKA, EUREKA POLICE
 DEPARTMENT, and STEVE WATSON, in
 16 his official capacity as Interim Chief of Police,

17 Defendants.
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) CASE NO. 4:17-cv-05610-HSG

) **STIPULATION TO EXTEND CASE**
) **DEADLINES; [~~PROPOSED~~] ORDER**

1 Plaintiff Oscar Leatherman (“Plaintiff” or “Mr. Leatherman”) filed the above-referenced
2 action on or about September 28, 2017.

3 On September 29, 2017, this Court issued its Initial Case Management Scheduling Order
4 with ADR Deadlines, instructing the parties to file their Joint Initial Case Management
5 Conference Statement on or before December 26, 2017, and setting an initial case management
6 conference for 2:00 p.m. on January 2, 2018. Pursuant to the Court’s Order of September 29,
7 2017 and Rule 26(a)(1)(C) of the Federal Rules of Civil Procedure, the parties’ Rule 26 initial
8 disclosures are presently due to be served on or before December 26, 2017.
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10 On September 29, 2017, by and through their attorney of record, Cyndy Day-Wilson,
11 Defendants City of Eureka, Eureka Police Department, and Steve Watson, in his official capacity
12 as Chief of Police (collectively hereinafter, “Defendants”), requested an extension of time to and
13 through November 7, 2017 in order to respond to Mr. Leatherman’s Complaint. Plaintiff’s
14 counsel of record, Shelley K. Mack, granted Defendants’ request for an extension of time the
15 same day.
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17 Pursuant to Rule 12 of the Federal Rules of Civil Procedure and the extension of time
18 granted on September 29, 2017, Defendants are currently due to file an answer or other
19 responsive pleading to Plaintiff’s Complaint on or before November 7, 2017.
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21 On November 2, 2017, Plaintiff, through his attorney of record, Shelley K. Mack,
22 notified Defendants, through their attorney of record, Eureka City Attorney Cyndy Day-Wilson,
23 that he wishes to file a First Amended Complaint. Counsel for the parties conferred on
24 November 6, 2017, and in order to make the most efficient use of the parties’ resources and
25 avoid duplicative proceedings before this Court, agreed as follows:
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27 **IT IS HEREBY AGREED AND STIPULATED** by and between Plaintiff and Defendants
28

1 respectively, through their attorneys of record, that:

- 2 1. Plaintiff's First Amended Complaint will be filed on or before December 7, 2017.
- 3 2. Defendants shall file their responsive pleading to Plaintiff's First Amended
- 4 Complaint on or before January 12, 2018.
- 5 3. The parties agree that the Initial Case Management Conference in the above-
- 6 captioned action shall be held no less than thirty (30) days after the Court rules on any
- 7 motion to dismiss filed by Defendants, or no less than thirty (30) days after
- 8 Defendants file an answer to Plaintiff's First Amended Complaint (whichever is
- 9 appropriate).
- 10 4. The parties further agree to serve Rule 26 initial disclosures no less than seven (7)
- 11 days before the Initial Case Management Conference, as rescheduled pursuant to this
- 12 Stipulation.
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- 14

15 IT IS SO STIPULATED.

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17 Respectfully Submitted,

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20 Dated: November 8, 2017

By: /s/ Shelley K. Mack

21 _____
Peter E. Martin
Shelley K. Mack
Attorneys for Plaintiff
OSCAR LEATHERMAN

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25 Dated: November 8, 2017

By: /s/ Cyndy Day-Wilson

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Cyndy Day-Wilson, Eureka City Attorney
Attorneys for Defendants
CITY OF EUREKA, EUREKA POLICE
DEPARTMENT, and STEVE WATSON, in his
27 official capacity as interim Chief of Police
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1 **ORDER**

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3 IT IS HEREBY ORDERED that Plaintiff's First Amended Complaint in this matter be
4 filed on or before December 7, 2017, and Defendants shall file their responsive pleading to
5 Plaintiff's First Amended Complaint on or before January 12, 2018.
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7 IT IS SO ORDERED.

8 Dated: 11/13/2017

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10 Honorable Haywood S. Gilliam, Jr.
11 United States District Judge
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