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6 Attorneys for Defendant  
 CITY OF OAKLAND  
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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 LYNDSEY BALLINGER and  
 11 SHARON BALLINGER,  
 12 Plaintiffs,  
 13 v.  
 14 THE CITY OF OAKLAND,  
 15 Defendants.  
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Case No. 4:18-cv-07186-HSG

**STIPULATION TO MODIFY BRIEFING  
 SCHEDULE ON DEFENDANT’S  
 MOTION TO DISMISS PLAINTIFFS’  
 COMPLAINT; DECLARATION OF  
 KEVIN P. McLAUGHLIN; ~~PROPOSED~~  
 ORDER**

**[Civ. L. Rule 6-2]**

Complaint Filed: November 29, 2018

1 **STIPULATION TO MODIFY BRIEFING SCHEDULE**

2 RECITALS

3 1. Defendant City of Oakland and Plaintiffs Lyndsey Ballinger and Sharon Ballinger  
4 have conferred regarding the briefing schedule on Defendant’s Motion to Dismiss Plaintiffs’  
5 Complaint (Dkt. 13) (the “Motion”).

6 2. Plaintiffs’ opposition to the Motion is presently due on January 18, 2019. Plaintiffs  
7 assert that an additional two weeks is needed to oppose the Motion because Plaintiffs’ counsel is  
8 arguing another case in the U.S. Supreme Court on January 16, 2019.

9 3. Defendant’s reply in support of the Motion is presently due on January 25, 2019.  
10 Defendant is willing to stipulate to Plaintiffs’ requested extension on condition that Plaintiffs agree  
11 that Defendant may have an additional week to file its reply in support of the Motion, in fairness and  
12 based upon the complexity of the issues presented.

13 STIPULATION

14 WHEREFORE, the parties stipulate and agree to the following schedule for briefing the  
15 opposition and reply on the Motion:

16 Opposition: Due February 1, 2019.

17 Reply: Due February 15, 2019.

18 IT IS SO STIPULATED.

19 Dated: January 8, 2019

MERIEM L. HUBBARD  
J. DAVID BREEMER  
PACIFIC LEGAL FOUNDATION

22 By: /s/ Meriem L. Hubbard  
Attorneys for Plaintiffs  
LYNDSEY BALLINGER and SHARON BALLINGER

24 Dated: January 8, 2019

BARBARA J. PARKER, City Attorney  
MARIA BEE, Chief Assistant City Attorney  
DAVID A. PEREDA, Special Counsel  
KEVIN P. MCLAUGHLIN, Deputy City Attorney

27 By: /s/ Kevin P. McLaughlin  
Attorneys for Defendant  
CITY OF OAKLAND

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**DECLARATION OF KEVIN P. MCLAUGHLIN**

I, KEVIN P. McLAUGHLIN, declare as follows:

1. I am a Deputy City Attorney employed by the City of Oakland, Defendant in this action. The following facts are within my personal knowledge and, if called upon to testify, I could and would testify competently with respect thereto, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

2. Defendant City of Oakland and Plaintiffs Lyndsey Ballinger and Sharon Ballinger have conferred regarding the briefing schedule on Defendant’s Motion to Dismiss Plaintiffs’ Complaint (Dkt. 13) (the “Motion”).

3. Plaintiffs’ opposition to the Motion is presently due on January 18, 2019. Plaintiffs assert that an additional two weeks is needed to oppose the Motion because Plaintiffs’ counsel is arguing another case in the U.S. Supreme Court on January 16, 2019.

4. Defendant’s reply in support of the Motion is presently due on January 25, 2019. Defendant is willing to stipulate to Plaintiffs’ requested extension on condition that Plaintiffs agree that Defendant may have an additional week to file its reply in support of the Motion, in fairness and based upon the complexity of the issues presented.

5. As a result, the parties have stipulated that Plaintiffs’ Opposition should be due on February 1, 2019, and Defendant’s Reply should be due on February 15, 2019.

6. The parties previously stipulated to allow Defendant until January 4, 2019 to file its response to Plaintiffs’ Complaint. No other time modifications have occurred in this case.

7. The requested time modification will not alter the schedule for this case.

8. Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on this 8th day of January 2019, at Oakland, California.

By: /s/ Kevin P. McLaughlin  
Kevin P. McLaughlin

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~~PROPOSED~~ ORDER

The Court, having considered the Stipulation of the parties, and good cause appearing therefor, hereby modifies the schedule for briefing the opposition and reply on Defendant's Motion to Dismiss Plaintiffs' Complaint (Dkt. 13):

Opposition: Due February 1, 2019.

Reply: Due February 15, 2019.

IT IS SO ORDERED.

Dated: 1/9/2019

  
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Hon. Maywood S. Gilliam, Jr.  
UNITED STATES DISTRICT JUDGE