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Attorneys for Defendant
W. FAULKNER

IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RODNEY WAYNE JONES,

Plaintiff,

v.

CORRECTIONAL OFFICER J.
CUNNINGHAM, CORRECTIONAL OFFICER
E. MOORE, CORRECTIONAL OFFICER J. J.
HUGHES, CORRECTIONAL OFFICER W.
FAULKNER

Defendants.

CASE NO.: C99-20023 RMW (PR)

**STIPULATION AND ORDER TO CONTINUE MOTION
FOR LEAVE TO TAKE A SECOND
DEPOSITION OF PLAINTIFF
PURSUANT TO F.R.C.P. 30(a)(2)(B)**

Defendant W. FAULKNER, by and through his counsel, hereby stipulates to the following and respectfully request that the Court continue the October 27, 2009 Motion for Leave to Take a Second Deposition of Plaintiff Pursuant to F.R.C.P. 30(a)(2)(B) to November 3, 2009, which is mutually agreeable to the Court and the parties:

1. The parties have not previously requested a continuance of this matter.
2. As a result of a calendar conflict, defendant Faulkner requests the continuance of said motion.
3. The current briefing schedule remains in effect.

1 4. For these reasons, the parties stipulate to continue the Motion for Leave to Take A Second
2 Deposition of Plaintiff from October 27, 2009 to November 3, 2009.

3 Respectfully submitted,

4
5 DATED:

LATHAM & WATKINS, LLP

6 /s/

7 By: _____

Lien Dang

8 Attorney for Plaintiff, RODNEY WAYNE JONES
9

10 Respectfully submitted,

11
12 DATED:

OFFICE OF THE ATTORNEY GENERAL

13 /s/

14 By: _____

Scott J. Feudale

15 Attorney for Defendants, J. CUNNINGHAM, E.
16 MOORE and J.J. HUGHES
17

18 Respectfully submitted,

19 DATED:

EDRINGTON, SCHIRMER & MURPHY

20 /s/

21 By: _____

Dolores M. Donohoe

22 Attorney for Defendant W. FAULKNER
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ORDER

For the reasons set forth in the parties' stipulation, and for good cause shown, the Motion for Leave to Take a Second Deposition of Plaintiff is continued from October 27, 2009 to November 3, 2009.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: ___ October 13, 2009 _____



MAGISTRATE JUDGE
PATRICIA V. TRUMBULL
UNITED STATES DISTRICT JUDGE