

1 MIGUEL MÁRQUEZ, Acting County Counsel (S.B. #184621)
 MELISSA R. KINIYALOCTS, Lead Deputy County Counsel (S.B. #215814)
 2 STEPHEN H. SCHMID, Deputy County Counsel (S.B. #078055)
 OFFICE OF THE COUNTY COUNSEL
 3 70 West Hedding, East Wing, 9th Floor
 San Jose, California 95110-1770
 4 Telephone: (408) 299-5900
 Facsimile: (408) 292-7240

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5 Attorneys for Defendants
 6 COUNTY OF SANTA CLARA, KENNETH
 BORELLI, LAWRENCE GALLEGOS,
 7 EPIFANIO REYNA, and TANYA BEYERS

8
 9 UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (San Jose)

11
 12 UNITED STATES OF AMERICA,
 ex. rel. DONNA M McLEAN et al.,

13 Plaintiffs,

14 v.

15
 16 THE COUNTY OF SANTA CLARA, a
 municipality et al.,

17
 18 Defendants.

No. C05-01962 HRL

19
 20 **STIPULATION AND ~~CROSS-MOTION~~ ORDER
 TO MODIFY SCHEDULING ORDER;
 21 DECLARATION OF STEVE SCHMID IN
 22 SUPPORT THEREOF**

MODIFIED BY THE COURT

23 Pursuant to the Court’s April 2, 2010 Order (Docket No. 307), hearing on the parties
 24 cross-motions for summary judgment is scheduled for June 8, 2010. The April 2, 2010 order
 25 specified a briefing schedule set “in accordance with a normal 35-day calendar under Civil
 26 Local Rule 7.” Therefore, opposition briefs are due on May 18, 2010 and reply briefs are due
 27 on May 25, 2010.

28 Due to the factual complexity of Relator’s Motion for Partial Summary Judgment,
 Defendants will require additional time to file their opposition. Relator has agreed to a
 modification of the April 2, 2010 Order with the Court’s permission. Therefore, the parties
 hereby submit the following stipulation and order to modify the current scheduling order as

Stipulation and Proposed Order to Modify
 Scheduling Order; Declaration of Steve
 Schmid in Support Thereof

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**DECLARATION OF STEVE SCHMID IN SUPPORT OF STIPULATION
AND PROPOSED ORDER TO MODIFY SCHEDULING ORDER**

I, Steve Schmid, declare as follows:

1. I am employed as a Deputy County Counsel for the County of Santa Clara and am duly licensed to practice law before this Court and all California courts. I am one of the attorneys of record for the County of Santa Clara Defendants.

2. Relator’s motion for partial summary judgment is voluminous and data-intensive. It will require more time to efficiently and completely respond to the factual portion of the motion than can be accomplished under the current briefing schedule.

3. This request for an order to modify the scheduling order is made jointly pursuant to stipulation. Counsel for Relator and Santa Clara County Defendants have met and conferred regarding the proposed modified schedule.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of April, 2010 at San Jose, California.

/S/
STEVE SCHMID

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ORDER

The Court has considered the stipulation to modify the scheduling order information specified in the April 2, 2010 Order and makes the following ~~order pursuant~~ ^{modification} to the stipulation:

| | <u>Current</u> | <u>Proposed</u> |
|--|-----------------------|--|
| Hearing Date for both cross-motions | June 8, 2010 | August 8 ²⁴ 2010 10:00 AM |
| Oppositions due for both cross-motions | May 18, 2010 | June 22, 2010 |
| Replies due for both cross-motions | May 25, 2010 | July 20, 2010 |

IT IS SO ORDERED.

Dated: April 28, 2010



 JUDGE HOWARD KILLOYD
 UNITED STATES MAGISTRATE JUDGE

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