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 ROSE REAL, ROBERT PRUITT, CHERYL HARMS

E-FILED - 8/28/09

6 **UNITED STATES DISTRICT COURT**
 7 **NORTHERN DISTRICT OF CALIFORNIA**
 8 **SAN JOSE DIVISION**

9 TRACY WATSON, RENEE STALKER,)
 10 OLIVIA STALKER, SHAFER WATSON,)
 RILEY WATSON,)
 11)
 Plaintiff,)

Case No. C06-4029RMW

12 vs.)

STIPULATION AND ORDER RE
HEARING ON MOTIONS BY THE
EVERGREEN DEFENDANTS, AARON
WEST AND CITY OF SAN JOSE
DEFENDANTS

13 COUNTY OF SANTA CLARA, COUNTY)
 14 OF SANTA CLARA DEPARTMENT OF)
 FAMILY AND CHILDREN SERVICES;)
 15 COUNTY OF SANTA CLARA)
 DEPARTMENT OF COUNTY COUNSEL;)
 16 COUNTY OF SANTA CLARA DISTRICT)
 ATTORNEYS OFFICE; SANTA CLARA)
 17 VALLEY MEDICAL CENTER;)
 EVERGREEN SCHOOL DISTRICT; CITY)
 18 OF SAN JOSE, SAN JOSE POLICE)
 DEPARTMENT; NORMA SPARKS,)
 19 YAZMINA LETONA; SHARON)
 BURGAN; JEWELS RAMIREZ; VU)
 20 TRAN; ANN MILLER RAVEL, RIMA)
 SINGH; AARON WEST; GEORGE)
 21 KENNEDY; CLIFTON BLACK; ROSE)
 REAL; ROBERT PRUITT; CHERYL)
 22 HARMS; CLAUDIA BLODGETT; GARY)
 KISHIMOTO; JOELLA MOLLOY; JOHN)
 23 HAMILTON, ANITA NOBLE, JANET)
 KAHLE, MARY RITTER, DAVID)
 24 KEARNS, RAJUL KAZI; ROB DAVIS;)
 WILLIAM HOYT; CRAIG BLANK,)

25 Defendants.

26 _____
 27 The parties in the above-captioned action submit the following stipulation and order

1 regarding the hearing on motions for summary judgment by the EVERGREEN Defendants
2 [ROSE REAL, CHERYL HARMS, ROBERT PRUITT], Defendant AARON WEST and the
3 CITY OF SAN JOSE Defendants.

4 Specifically, on June 11, 2009, the Court issued a Modified Scheduling Order that set
5 the date to hear the dispositive motions by the EVERGREEN Defendants and the CITY OF
6 SAN JOSE Defendants on October 16, 2009. The motion of AARON WEST was previously
7 continued to be heard this same day. Counsel has recently learned that Judge Whyte is
8 unavailable on October 16, 2009. Due to the trial schedule of Plaintiffs' counsel, and the
9 briefing schedule of the motions, all counsel have agreed to a new hearing date. Thus, the
10 parties stipulate that the EVERGREEN Defendants [ROSE REAL, CHERYL HARMS,
11 ROBERT PRUITT], Defendant AARON WEST and the CITY OF SAN JOSE Defendants
12 may set their motions for summary judgment for hearing on **December 4, 2009**. Briefing on
13 the motions shall be filed as mandated under local rules based upon the December 4, 2009
14 hearing date, as follows: moving papers shall be filed by October 30, 2009 [AARON
15 WEST's Motion is already filed], oppositions shall be filed by November 13, 2009 and reply
16 briefs shall be filed by November 20, 2009.

17 All counsel have provided Jacquelyn Wilson authority to file the stipulation with their
18 electronic signature at the time of this filing.

19 Dated: August 26, 2009

/s/ Peter Johnson
Peter Johnson
Attorney for Plaintiffs

21 Dated: August 26, 2009

/s/ Clifford Greenberg
Clifford Greenberg
Attorney for City of San Jose Defendants

23 Dated: August 26, 2009

/s/ Melissa Kiniyalocts
Melissa Kiniyalocts
Attorney for County of Santa Clara
Defendants

25 Dated: August 26, 2009

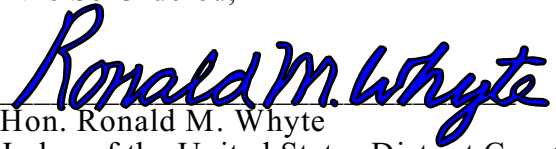
/s/ Jacquelyn Wilson
Jacquelyn Wilson
Attorney for Evergreen School District
Defendants

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ORDER

The foregoing stipulation is approved and it is So Ordered,

Dated: 8/28/09


Hon. Ronald M. Whyte
Judge of the United States District Court