

1 WADE ROBERTSON,
 P.O. Box 20185
 2 Stanford, CA. 94309
 Telephone: (866)-845-6003
 3 Facsimile: ****none****

4 *Pro-Se Plaintiff*

5
 6
 7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11
 12 WADE ROBERTSON,
 13 Plaintiff,
 14 v.
 15 SHIRAZ QADRI,
 AVENIR RESTAURANT GROUP, INC.
 16 GREG ST. CLAIRE
 17 Defendants.
 18 _____

CASE NO.: C 06-04624 JF

**STIPULATION AND ~~[PROPOSED]~~
 ORDER ENLARGING TIME FOR
 FILING OF PLAINTIFF'S BRIEF**

[Civil L.R. 6-1, 6-2, and 7-12.]

Honorable Jeremy Fogel

19
 20 WHEREAS, on August 8, 2008, the Court, Honorable Judge Fogel
 21 presiding, heard argument (the "Hearing") on Plaintiff's pending motion for reconsideration and
 22 also on the Opposition and Request for Judicial Notice filed by the Defendants on July 18, 2008.

23 WHEREAS, at the Hearing, the Court instructed Plaintiff to file a Reply
 24 brief not later than September 5, 2008.

25 WHEREAS, the September 5, 2008 deadline for Plaintiff's Reply brief
 26 was set to be due after a decision had been reached on a motion for a new trial or dismissal in the
 27 separate, related criminal matter-- "People v. Robertson", Superior Court of California, Palo
 28 Alto, CA, case # BB 620394. ("related state criminal matter")

1 WHEREAS, at the Hearing all parties brought to the Court's attention the
2 possibility that the proceedings in the related state criminal matter might be continued.

3 WHEREAS, at the Hearing the Court indicated that it wanted the benefit
4 of first knowing what decision the Superior Court in the related state criminal matter had reached
5 on the conviction and pending motion for a new trial or dismissal prior to its deciding on the
6 matters pending in this action. The Court also indicated that Plaintiff's Reply brief address the
7 legal issues highlighted at the Hearing as per that same pending decision by the Superior Court.

8 WHEREAS, at the Hearing the Court indicated that, consequently, it
9 would extend the time for Plaintiff to file his Reply brief in the event that the Superior Court
10 continued the proceedings (and it's decision on) the conviction and pending motion for a new
11 trial or dismissal in the related state criminal matter.

12 WHEREAS, on August 25, 2008, the Superior Court in the related state
13 criminal matter continued-- by motion of the District Attorney's Office of Santa Clara County,
14 CA.-- it's hearing on the motion pending there for a new trial or dismissal until September 22,
15 2008. No date was set for sentencing.

16 WHEREAS, all the parties agree that because the Superior Court in
17 deciding on the motion for a new trial or dismissal in the related state criminal matter will be
18 considering over-sized briefs and the entire trial record with all transcripts there is a reasonable
19 likelihood that the Superior Court will take the matter under submission for at least a couple of
20 weeks post the oral argument and hearing on September 22, 2008. Therefore, all parties expect
21 that no decision will issue from the Superior Court prior to October 6, 2008.

22 WHEREAS, Plaintiff Wade Robertson maintains that subsequent to this
23 pending decision by the Superior Court, he will need at least one calendar week to reasonably
24 complete his Reply brief so as to include the outcome in the Superior Court. Assuming that the
25 Superior Court's decision issues on October 6, 2008, this would imply a due date of October 13,
26 2008 for Plaintiff's Reply brief.

27 WHEREAS, all the parties agree that there have been no prior time
28 modifications regarding the deadline for Plaintiff's Reply brief and that any extensions of time

1 will not affect the schedule for this case.

2 WHEREAS, all the parties agree that an enlargement of the deadline for
3 Plaintiff's filing of his Reply brief to **October 13, 2008** is reasonable and appropriate for all of
4 the reasons stated above.

5 -----
6 **NOW THEREFORE**, pursuant to Civil Local Rules 6-1, 6-2, and 7-12 all
7 the parties, HEREBY STIPULATE AND AGREE AS FOLLOWS:

8 1. The deadline for the filing of Plaintiff's Reply brief-- as set by the court at the August
9 8, 2008 Hearing-- shall be enlarged from September 5, 2008 until **October 13, 2008**.

10
11 Dated: August 27, 2008 PLAINTIFF, *Pro-Se*

12 _____
13 WADE ROBERTSON

14
15 Dated: August _____, 2008 LEWIS BRISBOIS BISGAARD & SMITH LLP

16
17 By: _____

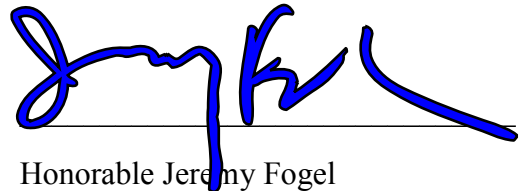
18 SHANNON K. WHITE.

19 Attorney for Defendants
20 SHIRAZ QADRI, AVENIR RESTAURANT
21 GROUP, INC. and GREG ST. CLAIRE

22 **ORDER**

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24
25 Dated: 9/3, 2008

26 
27 Honorable Jeremy Fogel

28 United States District Court

1 will not affect the schedule for this case.

2 WHEREAS, all the parties agree that an enlargement of the deadline for
3 Plaintiff's filing of his Reply brief to **October 13, 2008** is reasonable and appropriate for all of
4 the reasons stated above.

5 -----
6 **NOW THEREFORE**, pursuant to Civil Local Rules 6-1, 6-2, and 7-12 all
7 the parties, **HEREBY STIPULATE AND AGREE AS FOLLOWS:**

8 1. The deadline for the filing of Plaintiff's Reply brief-- as set by the court at the August
9 8, 2008 Hearing-- shall be enlarged from September 5, 2008 until **October 13, 2008**.

10
11 Dated: August 27, 2008

PLAINTIFF, *Pro-Se*

12 
13 WADE ROBERTSON

14
15 Dated: August 28, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

16
17 By: 

SHANNON K. WHITE.

18
19 Attorney for Defendants
20 SHIRAZ QADRI, AVENIR RESTAURANT
21 GROUP, INC. and GREG ST. CLAIRE

22 **ORDER**

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24
25 Dated: _____, 2008

26 Honorable Jeremy Fogel

27 United States District Court

28