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 12 and ADONNA AMOROSO

13 UNITED STATES COURT DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 FREDERICK BATES,

17 Plaintiff,

18 v.

19 CITY OF SAN JOSE, ROBERT DAVIS,
 20 CITY OF SAN JOSE CHIEF OF POLICE,
 21 ADONNA AMOROSO, CITY OF SAN
 22 JOSE DEPUTY CHIEF OF POLICE,

23 Defendants.

Case Number: C06-05302 RMW

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING HEARING
 DATE AND SETTING BRIEFING
 SCHEDULE ON PLAINTIFF'S RULE
 60 MOTION FOR RELIEF FROM
 JUDGMENT**

Date: March 29, 2013
 Time: 9:00 am
 Room: Courtroom 6 – 4th Floor
 Judge: Hon. Ronald M. Whyte

STIPULATION

24 Plaintiff FREDERICK BATES' ("Plaintiff") Motion for Relief from Judgment Pursuant
 25 to Federal Rule of Civil Procedure 60 ("Motion") is currently scheduled to be heard on
 26 March 29, 2013 at 9:00 am. The parties hereby stipulate and respectfully request a
 27 continuation of the hearing date to April 26, 2013. The parties further herein agree to an
 28 accordant schedule for filing and service of the opposition and reply briefs.

1 Whereas, Plaintiff served the Motion by U.S. Mail on February 20, 2013;

2 Whereas, Plaintiff filed the motion on February 21, 2013;

3 Whereas, Plaintiff selected the March 29, 2013 hearing date on the Motion without
4 consulting with counsel for defendants CITY OF SAN JOSE, ROBERT DAVIS and
5 ADONNA AMOROSO (collectively "Defendants"), as Plaintiff acknowledges in his January
6 19, 2013 statement filed with the Motion ("... if the hearing date I have selected is not
7 suitable for the City, my schedule is flexible for almost any other date as long as I'm given
8 adequate notice");

9 Whereas, Richard D. North, counsel for Defendants, was out of the office from
10 February 19, 2013 through February 28, 2013, and returned to find the Motion;

11 Whereas, Defendants' opposition to the Motion is currently due to be served and
12 filed on March 6, 2013;

13 Whereas, the Motion is based upon an extensive factual and procedural record
14 spanning nine years, with which counsel for Defendants is currently unfamiliar,
15 necessitating additional time for Defendants to formulate a response to the Motion;

16 Whereas, the parties have met and conferred and agreed to continue the hearing
17 date on the Motion to April 26, 2013;

18 Whereas, the parties have met and conferred and agreed that Defendants'
19 opposition to the Motion shall be filed and served on or before April 2, 2013 and Plaintiff's
20 reply shall be filed and served on or before April 9, 2013:

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1 Therefore, the parties respectfully request that the hearing date on the Motion be
2 continued to April 26, 2013 at 9:00 am, with the opposition to be filed on or before April 2,
3 2013 and the reply to be filed and served on or before April 9, 2013.

4 It is so stipulated.

5 Dated: March 5, 2013

RICHARD DOYLE
City Attorney

7 By: /s/ Richard D. North
8 RICHARD D. NORTH
9 Deputy City Attorney

10 Attorneys for Defendants, CITY OF SAN JOSE,
11 ROBERT DAVIS, and ADONNA AMOROSO

12 Dated: March 5, 2013

FREDERICK BATES, Pro Se

13 By: /s/ Frederick Bates
14 Frederick Bates

15 Plaintiff

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17 **ORDER**

18 Having read and considered the parties' stipulation, and finding good cause for the
19 relief requested therein, the Court orders the following:

- 20 1. The hearing on Plaintiff's Motion for Relief from Judgment ("Motion"), filed
21 February 21, 2013, is continued from March 29, 2013 to April 26, 2013 at 9:00 am;
22 2. Defendants' opposition to the Motion shall be served and filed on or before April
23 2, 2013 and Plaintiff's reply shall be served and filed on or before April 9, 2013.

24 Dated:

25 
26 Hon. Ronald M. Whyte,
27 Senior District Judge, N.D. Cal.