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 9 COUNTY OF SANTA CLARA

E-FILED - 12/10/08

10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 (SAN JOSE)

11 JOE CHARVEZ)	No. 06-CV-06126-RMW
12 Plaintiff,)	STIPULATION AND ORDER TO VACATE FEBRUARY 13, 2009 HEARING DATE
13 v.)	
14 COUNTY OF SANTA CLARA,)	
15 Defendants.)	

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 17 1. WHEREAS the subject lawsuit alleges that two sheriff deputies – plaintiffs Charvez
 18 and Camarda – should be compensated for time spent donning and doffing uniforms and
 19 equipment;

20 2. WHEREAS a hearing date of February 13, 2009 was set for anticipated hearings on
 21 cross-motions for summary judgment/summary, but no briefs have yet been filed;

22 3. WHEREAS subsequent to the time that February 13, 2009 date was set, the Ninth
 23 Circuit Court took jurisdiction over the following donning and doffing cases: *Bamonte v. City of*
 24 *Mesa* [Case No. 08-16206] and *Maciel v. City of Los Angeles* [Case Nos. 08-555701, 08-55702
 25 and 08-55958];

26 4. WHEREAS the parties mutually agree that the donning and doffing cases presently
 27 pending before the Ninth Circuit are anticipated to be either wholly or partially dispositive of
 28 the lawsuit filed by Charvez and Camarda;

1 5. WHEREAS briefing of the *Bamonte* appeal is scheduled to be completed in
2 December 2008 and briefing in the *Maciel* appeal is scheduled to be completed in January 2008;

3 6. WHEREAS the parties concur that neither the interests of justice nor the interests of
4 judicial economy would be served by briefing cross-motions for summary judgment/summary
5 adjudication and having them heard prior to the time that the Ninth Circuit issues its rulings in
6 *Bamonte* and *Maciel* and those rulings become final.

7 7. NOW THEREFORE the parties stipulate and agree to vacate the February 13, 2009,
8 hearing date for cross-motions on summary judgment/summary adjudication.

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10 Dated: December 8, 2008

By: /S/
ALLISON BERRY-WILKINSON

Attorney for Plaintiff
JOE CHARVEZ

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13 I hereby attest that I have on file the holograph signature for the signature indicated by a
14 “conformed” signature (/S/) within this e-filed document.
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16 Dated: December 8, 2008

Respectfully submitted,

ANN MILLER RAVEL
County Counsel

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19 By: /S/
MARCY L. BERKMAN
Deputy County Counsel

Attorneys for Defendant
COUNTY OF SANTA CLARA

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23 **ORDER VACATING HEARING DATE**

24 Good cause showing therefore, IT IS HEREBY ORDERED that the February 13, 2009
25 hearing date for cross-motions on summary judgment/summary adjudication is vacated. The

26 **Court sets a Case Management Conference for June 19, 2009 @ 10:30 am.**

27 Dated: 12/10/08



HONORABLE RONALD M. WHYTE
U.S. District Court Judge

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