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7 Attorneys for Defendants
 8 CITY OF MILPITAS, OFFICER PETE PROLO
 and OFFICER DEREK YAMAMURA

9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 MATT FREDENBURG, Individually and as
 13 Guardian Ad Litem for his minor children A.F.
 M.F. and E.F., KIM FREDENBURG,

14 Plaintiffs,

15 v.

16 COUNTY OF SANTA CLARA, YASMINA
 17 LETONA, individually and as an employee of
 18 COUNTY OF SANTA CLARA, ALICIA
 CORTEZ, individually and as an employee of the
 19 COUNTY OF SANTA CLARA, SHARON
 BURGAN, individually and as an employee of the
 20 COUNTY OF SANTA CLARA, CITY OF
 MILPITAS, PETE PROLO, individually and as
 21 an employee of CITY OF MILPITAS, OFFICER
 YAMAMURA, individually and as an employee
 22 of CITY OF MILPITAS, and Does 1-10,
 inclusive,

23 Defendants.

Case No: C07-04412 JW

**STIPULATION TO CONTINUE
 PLAINTIFF'S MOTION FOR
 SUMMARY JUDGMENT; [Proposed]
 ORDER**

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1 COMES NOW the parties, by and through their respective attorneys of record and hereby
2 stipulate as follows:

3 WHEREAS, on or about April 7, 2009, Plaintiff Matt Fredenburg filed a Motion for
4 Summary Judgment against Officer Prolo, with Plaintiff's Motion originally noticed for hearing on
5 May 18, 2009, at 9:00 a.m. in Courtroom 8 of the above-referenced Court; and

6 WHEREAS, Defendants' legal counsel is unavailable on Plaintiff's noticed hearing date due
7 to ongoing trial proceedings in another county.

8 THEREFORE, the parties hereby stipulate and request the Court order as follows:

9 Plaintiff's Motion for Summary Judgment, which was filed on April 7, 2009 (Docket 55) is
10 to be continued to June 8, 2009, at 9:00 a.m. in Courtroom 8 of the above-referenced court.

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12 **IT IS SO STIPULATED.**

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14 Dated: April 20, 2009

MEYERS, NAVE, RIBACK, SILVER & WILSON

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17 By: /s/ Kevin E. Gilbert
18 Kevin E. Gilbert, Esq.
19 Attorneys for Defendants
CITY OF MILPITAS, OFFICER PETE PROLO
and OFFICER DEREK YAMAMURA

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21 Dated: April 20, 2009

LAW OFFICES OF ROBERT R. POWELL

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23 By: /s/ Robert R. Powell
24 Robert R. Powell, Esq.
25 Attorney for Plaintiffs
26 MATT FREDENBURG, Individually and as
27 Guardian Ad Litem for his minor children
28 A.F. M.F. and E.F., KIM FREDENBURG

1 **ORDER**

2 Good cause appearing, the Court hereby adopts the Stipulation of the parties as an Order of
3 this Court. Plaintiff's Motion for Summary Judgment (Docket 55) is to be continued to June 8,
4 2009, at 9:00 a.m. in Courtroom 8 of the above-referenced Court for hearing.

5 **IT IS SO ORDERED.**

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7 Dated: April 23, 2009

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9 HONORABLE JAMES WARE
UNITED STATES DISTRICT COURT JUDGE

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ORDER

Good cause appearing, the Court hereby adopts the Stipulation of the parties as an Order of this Court. Plaintiff's Motion for Summary Judgment (Docket 55) is to be continued to June 8, 2009, at 9:00 a.m. in Courtroom 8 of the above-referenced Court for hearing.

IT IS SO ORDERED.

Dated: _____

HONORABLE JAMES WARE
UNITED STATES DISTRICT COURT JUDGE

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