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E-Filed 10/7/08

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Attorneys for Intervenor United States of America

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

11 MONTARA WATER AND SANITARY)
 12 DISTRICT,)
 13 Plaintiff,)
 14 v.)
 15 COUNTY OF SAN MATEO, a political)
 subdivision of the State of California; and)
 16 DOES 1 to 20, inclusive,)
 17 Defendants.)
 18 _____)
 19 UNITED STATES OF AMERICA,)
 20 Intervenor.)

No. C 08-2814 JF (RS)

**STIPULATION AND (PROPOSED)
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

CMC

Current Date: October 17, 2008
 Proposed Date: December 19, 2008
 Time: 10:30 a.m

Ctrm: No. 3, Hon. Jeremy Fogel

21 A case management conference for this case is currently set for October 17, 2008. Each
 22 of the parties in this case have now noticed the hearing of a motion which would be dispositive
 23 of the case for October 31, 2008. Given the hearing date for these motions, a case management
 24 conference conducted before the Court hears and rules on each of those motions would not be as
 25 productive for the Court and parties as such a conference conducted afterward. Therefore, the
 26 parties join in this request to continue that case management conference to a later date.

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1 This Court granted one prior 28-day extension of the date for the initial case management
2 conference because of the then-pending motion for remand case to the California Superior Court
3 for the County of Santa Clara. That matter has been resolved and granting this request to
4 continue the case management conference should not significantly delay the ultimate resolution
5 of this matter.

6 IT IS HEREBY STIPULATED by and among the parties that the initial Case
7 Management Conference, currently set for October 17, 2008 may be continued to December 12,
8 2008 at 10:30 a.m. in Courtroom No. 3.

9 Respectfully submitted,

10 LAW OFFICES OF HERMAN H. FITZGERALD

11
12 Dated: October 6, 2008

13 /s/ Herman H. Fitzgerald
14 HERMAN H. FITZGERALD
Attorneys for Plaintiff

15 MICHAEL P. MURPHY
16 County Counsel

17 Dated: October 6, 2008

18 /s/ David A. Levy
19 DAVID A. LEVY, Deputy
GLENN M. LEVY, Deputy

20 Attorneys for Defendant

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JOSEPH P. RUSSONIELLO
United States Attorney

Dated: October 6 , 2008

/s/ Charles M. O'Connor
CHARLES M. O'CONNOR
Assistant United States Attorney

Attorneys for Intervenor

ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED. The initial Case Management Conference will be continued to December 19, 2008, at 10:30 a.m. in Courtroom No. 3. The parties' Case Management Statement shall be filed on or before December 12, 2008.

Dated: October 7, 2008



JEREMY FOGEL
UNITED STATES DISTRICT JUDGE