



1 Pursuant to the stipulation of the parties, and good cause appearing, IT IS  
2 **HEREBY ORDERED** as follows:

- 3 1. Defendant's current motion to dismiss shall be taken off calendar, without  
4 prejudice to Defendant's right to file a further motion to dismiss, should it feel  
5 it necessary to do so; and,  
6  
7 2. Plaintiff shall have up to and until October 9, 2009 to file and serve his Fourth  
8 Amended Complaint. Defendant shall have thirty (30) days therefrom to file  
9 and serve its response thereto.

10 **IT IS SO ORDERED.**

11  
12  
13 Dated: 9/15/09

By:   
Hon. Richard Seeborg, Judge