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15 Attorneys for Plaintiffs
 16 RUSSELL COLE and
 17 STEPHANIE OBERG

18 UNITED STATE DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20 RUSSELL COLE and STEPHANIE OBERG,

Case No.: C08-05017 RMW

21 Plaintiffs,

**SECOND AMENDED STIPULATION AND
 [XXXXXXXXXX] ORDER CONTINUING HEARING
 DATE FOR PARTIES' MOTIONS FOR
 SUMMARY JUDGMENT.**

22 vs.

[ECF Docket No. 101, 105].

23 CITY OF SUNNYVALE, CHIEF DON JOHNSON,
 24 OFFICER STEVEN ROCHEVILLE, LIEUTENANT
 25 TRACY HERN, OFFICER SCOTT CORTESE, and
 26 CAPTAIN KELLY FITZGERALD,

27 Defendants.

28 IT IS HEREBY STIPULATED AND AGREED TO BY ALL PARTIES AND THEIR COUNSEL OF
 RECORD:

WHEREAS, by Order dated February 9, 2011 the Court granted the Parties' Amended Stipulation and Order Continuing Hearing Date for Parties' Motions for Summary Judgment from March 11, 2011 to April 29, 2011. The parties are also set for a case management conference on April 29, 2011. [ECF Docket No. 101, 105].

1 WHEREAS, the parties' respective deadlines for filing Motions for Summary Judgment is
2 currently March 25, 2011. [ECF Docket No. 101, 105].

3 WHEREAS, the Parties have actively engaged in discovery, including, but not limited to,
4 completing depositions of plaintiffs and several depositions of individual defendants.

5 WHEREAS, based on the unavailability of Counsel and/or defendant officers, the parties
6 have been forced to split deposition sessions of named officers amongst several days. The
7 depositions of Officer Steven Rocheville and Lieutenant Tracy Hern were conducted over
8 several days. The deposition of Officer Scott Cortese was stipulated to be moved by the parties
9 from March 11, 2011 to March 31, 2011 due to a previously-undisclosed vacation conflict.

10 WHEREAS, based on the information provided through depositions of Officer Steven
11 Rocheville and Lieutenant Tracy Hern, several additional depositions of witnesses related to
12 this action are necessary and have yet to be conducted.

13 WHEREAS, the parties were diligent in scheduling the dates for deposition and based on
14 unforeseeable events were unable to conclude all depositions.

15 WHEREAS, the parties will need sufficient time to obtain reporters transcripts after the
16 depositions. The parties have scheduled the remaining depositions for March 31, 2011, April 4,
17 2011 and April 6, 2011. The current deadline for e-filing of the Motion for Summary Judgment is
18 March 25, 2011.

19 WHEREAS, Counsel met and conferred on a continued hearing date for all parties to
20 submit Motions for Summary Judgment and to continue the case management conference set
21 for the same day and agreed to June 17, 2011. The Court has also indicated that this date is
22 available for the Honorable Ronald M. Whyte.

23 NOW THEREFORE, the parties hereby agree and stipulate that the parties' hearing date
24 for their respective Motions for Summary Judgment is continued from April 29, 2011 to June
25 17, 2011. All deadlines for briefing shall be continued and calendared based on the new
26 hearing date of June 17, 2011.
27

1 So Stipulated:

2 Dated: March 22, 2011

KALLIS & ASSOCIATES P.C.

3
4 By: _____ /s/

5 M. Jeffrey Kallis
6 Attorneys for Plaintiffs
7 Russell Cole and Stephanie Oberg

8
9 Dated: March 22, 2011

BUSTAMANTE O'HARA & GAGLIASSO

10
11 By: _____ /s/

12 Andrew V. Stearns
13 Steven M. Berki
14 Attorneys for Plaintiffs
15 Russell Cole and Stephanie Oberg

16
17 Dated: March 22, 2011

BERTRAND, FOX & ELLIOT

18
19 By: _____ /s/

20 Gregory M. Fox
21 Attorneys for Defendants City of Sunnyvale,
22 Chief Don Johnson, Officer Steven Rocheville,
23 Lieutenant Tracy Hern, Officer Scott Cortese, and
24 Captain Kelly Fitzgerald

25
26
27
28 ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this E-filed document.

Dated: March 22, 2011

_____/s/
Andrew V. Stearns

ORDER

The hearing date for the parties' Motions for Summary Judgment and the Case Management Conference in the above entitled case shall be continued from April 29, 2011 to June 17, 2011. All deadlines for briefing shall be continued and calendared based on the new hearing date of June 17, 2011. *

IT IS SO ORDERED.

Dated: 3/28/11



HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE

***The Court also resets the Case Management Conference for June 17, 2011 at 10:30 a.m.**