

1 Gregory M. Fox, State Bar No. 070876
 Dana L. Soong, State Bar No. 168160
 2 BERTRAND, FOX & ELLIOT
 The Waterfront Building
 3 2749 Hyde Street
 San Francisco, California 94109
 4 Telephone: (415) 353-0999
 Facsimile: (415) 353-0990
 5

E-FILED - 6/7/11

6 Attorneys for Defendants CITY OF SUNNYVALE,
 CHIEF DON JOHNSON, OFFICER STEVEN ROCHEVILLE,
 7 LIEUTENANT TRACY HERN and OFFICER SCOTT CORTESE
 And CAPTAIN KELLY FITZGERALD

8 UNITED STATE DISTRICT COURT
 9
 10 NORTHERN DISTRICT OF CALIFORNIA

11 RUSSELL COLE and STEPHANIE OBERG,

Case No.: C08-05017 RMW

12 Plaintiffs,

13 vs.

**STIPULATION AND [] ORDER
 CONTINUING HEARING DATE FOR ALL
 PARTIES CROSS MOTIONS FOR
 SUMMARY JUDGMENT AND CASE
 MANAGEMENT CONFERENCE**

14 SUNNYVALE, CHIEF DON JOHNSON,
 OFFICER STEVEN ROCHEVILLE,
 15 LIEUTENANT TRACY HERN, OFFICER
 SCOTT CORTESE, and CAPTAIN KELLY
 FITZGERALD,

16 Defendants.
 17

18 The parties, acting by and through their respective legal counsel, herein stipulate for an Order
 19 continuing the hearing date for their respective Cross Motions for Summary Judgment presently set
 20 for Friday, June 17, 2011 to Friday July 8, 2011 at 9:00 a.m. in Courtroom 6, 4th Floor of the U.S.
 21 District Courthouse located at 280 S. 1st St., Rm. 2112, San Jose, California. Good cause exists to
 22 move the hearing date for the following reasons.

23 Defendants' counsel Gregory M. Fox is presently scheduled to attend the wedding of his sister
 24 which is occurring Friday June 17, 2011 and Saturday June 18, 2011. He and his entire family are
 25 leaving San Francisco by an air flight at approximately ten am Friday June 17, 2011 and are unable to
 26 arrange alternative transportation at a later time. Plaintiffs' counsels have graciously agreed to this
 27 personal family matter relating to Mr. Fox and his family as good cause for the continuance.

28 Counsel have met and conferred on the continued dates and the Court has also indicated that

1 this date is available for the Honorable Ronald M. Whyte. The briefing schedule to remain as
2 originally set by applicable law with all Reply briefs due by June 3, 2011.

3 So Stipulated:

4 Dated: May 31, 2011

BERTRAND, FOX & ELLIOT

5
6 By: _____ /s/

7 Gregory M. Fox
8 Attorneys for Defendants City of Sunnyvale,
9 Chief Don Johnson, Officer Steven Rocheville,
10 Lieutenant Tracy Hern, Officer Scott Cortese, and
11 Captain Kelly Fitzgerald

12
13 Dated: May 31, 2011

KALLIS & ASSOCIATES P.C.

14
15 By: _____ /s/

16 Jeffrey Kallis
17 Attorneys for Plaintiffs
18 Russell Cole and Stephanie Oberg

19
20 Dated: May 31, 2011

BUSTAMANTE O'HARA & GAGLIASSO

21
22 By: _____ /s/

23 Andrew V. Stearns
24 Steven M. Berki
25 Attorneys for Plaintiffs
26 Russell Cole and Stephanie Oberg

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: May 31, 2011

_____/s/

Gregory M. Fox

ORDER

The hearing date for plaintiffs'/defendants' Motions for Summary Judgment in the above entitled case shall be continued from June 17, 2011 to July 8, 2011 beginning at 9:00 a.m. and the Case Management Conference is continued from June 17, 2011 to July 8, 2011 beginning at 10:30 a.m.

IT IS SO ORDERED.

Dated: 6/7/11


UNITED STATES DISTRICT COURT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28