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 ERIKA CANAS, et al.

\*\*E-Filed 6/24/2010\*\*

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 ERIKA CANAS, JOSE CANAS, a minor, by ) No. C-08-5771-JF  
 14 and through his guardian ad litem, and JESUS )  
 CANAS, a minor, by and through his guardian ) **STIPULATION TO CONTINUE**  
 15 ad litem, ) **HEARING OF DEFENDANTS' MOTION**  
 ) **TO DISMISS AND EXTENDING TIME**  
 16 Plaintiffs, ) **TO OPPOSE, AND CONTINUING CASE**  
 ) **MANAGEMENT CONFERENCE;**  
 17 v. ) **{Proposed}-ORDER**  
 ) **[Jury Trial Demanded]**  
 18 CITY OF SUNNYVALE, CHRIS SEARLE, )  
 and DARREN PANG, ) Date: July 9, 2010  
 19 ) Time: 9:00 a.m.  
 Defendants. ) Courtroom 3  
 20 ) Honorable Jeremy Fogel

21 **I. STIPULATION**

22 TO THE HONORABLE COURT HEREIN:

23 The parties, through counsel of record, hereby stipulate as follows:

24 Defendants CITY OF SUNNYVALE, CHRIS SEARLE, and DARREN PANG have

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25 STIPULATION TO CONTINUE HEARING OF DEFENDANTS'  
 26 MOTION TO DISMISS AND EXTENDING TIME TO OPPOSE, AND  
 CONTINUING CASE MANAGEMENT CONFERENCE: [Proposed] ORDER  
*Canas, et al., v. City of Sunnyvale, et al.*  
 Case No. C-08-5771-JF

1 moved to dismiss the plaintiffs' Fourth Amended Complaint pursuant to Federal Rules of Civil  
2 Procedure, Rule 12(b)(6). The opposition is due June 18, 2010, and the hearing is set for July 9,  
3 2010, at 9:00 a.m. Counsel have started to meet and confer over the substance of the motion and  
4 the perceived deficiencies in the Fourth Amended Complaint.

5 Plaintiffs ERIKA CANAS and minors JOSE CANAS and JESUS CANAS associated  
6 attorney Russell A. Robinson, to act as co-lead counsel in this matter. Robinson needs additional  
7 time to familiarize himself with the case and to draft an opposition.

8 Therefore, the parties hereby agree that the hearing date on said motion be continued to  
9 August 27, 2010, at 9:00 a.m. Plaintiffs' opposition shall be due August 6, 2010.

10 The parties also hereby request, through counsel of record, that the Court continue the  
11 case management conference to the same date.

12  
13 Date: June 21, 2010

/s/ Russell A. Robinson

Law Office of Russell A. Robinson

By: Russell A. Robinson

Co-Counsel for Plaintiffs

ERIKA CANAS and minors JOSE CANAS and JESUS  
CANAS

14  
15  
16  
17  
18 Date: June 21, 2010

/s/ Gregory M. Fox

Gregory M. Fox

Bertrand, Fox & Elliot

Attorneys for Defendants

CITY OF SUNNYVALE, CHRIS SEARLE, and DARREN  
PANG

1 **II. ORDER**

2 Based on the above, and good cause appearing,

3 The Court hereby orders as follows:

4 The hearing date on Defendants' motion is continued to 8/27, 2010, at 9:00 a.m.

5 Plaintiffs' opposition shall be due 8/6, 2010.

6 The case management conference is also continued to 8/27, 2010, at 9:00 a.m.

7 The joint case management conference statement shall be due 8/20, 2010.

8 **IT IS SO ORDERED.**

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11 Date: 6/24/2010

  
HONORABLE JEREMY FOGLE  
United States District Court  
Northern District of California

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