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6 **Attorneys for Defendants Bob Lee and
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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

<p>10 HEAT SURGE, LLC, et al., 11 12 Plaintiffs, 13 v. 14 BOB LEE, in his official capacity as District Attorney for Santa Cruz County, California, et 15 al., 16 Defendants.</p>	<p>Case No. C09-00572 JF STIPULATION TO VACATE AND CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER</p>
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 18 **STIPULATION**

19 The next case management conference in this case is scheduled for September 10, 2010. The
 20 case is currently stayed. The only new information the parties have to report to the Court is that the
 21 pending state action (the reason for the stay) has a scheduled trial date of October 18, 2010. The
 22 parties request that the case management conference be vacated and continued for six months while
 23 the pending state action continues to be adjudicated.

24 Dated: September 2, 2010

DANA McRAE, COUNTY COUNSEL

25 By: _____ /S/

26 JASON M. HEATH
 Assistant County Counsel
 27 **Attorneys for Defendants Bob Lee and Kelly
 J. Walker**
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1 Dated: September 2, 2010

CARTER LEDYARD & MILBURN, LLP

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3 By: _____/S/_____

THEODORE ALLEGAERT

Attorneys for Plaintiffs

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6 **PROPOSED ORDER**

7 For good cause shown, the September 10, 2010 case management conference in this case is
8 vacated, and a new case management conference is scheduled for March 11, 2011.

9 IT IS SO ORDERED.

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12 Dated: 9/3/2010

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HON. JEREMY FOGEL
UNITED STATES DISTRICT JUDGE

