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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
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<p>11 HEAT SURGE, LLC, et al.,          12 Plaintiffs,          13 v.          14 BOB LEE, in his official capacity as District          15 Attorney for Santa Cruz County, California, et          16 al.,          17 Defendants.</p>	<p>Case No. C09-00572 JF  <b>STIPULATION TO VACATE AND          CONTINUE CASE MANAGEMENT          CONFERENCE; [<del>PROPOSED</del>] ORDER</b></p>
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18 **STIPULATION**

19 The next case management conference in this case is scheduled for August 26, 2011. 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 basis for the stay) is still being litigated in Santa Cruz County Superior  
 22 Court. The parties request that the case management conference be vacated and continued for six  
 23 months while the pending state action continues to be litigated.

24 Dated: August 4, 2011

DANA McRAE, COUNTY COUNSEL

26 By: \_\_\_\_\_/S/\_\_\_\_\_

JASON M. HEATH  
 Assistant County Counsel  
**Attorneys for Defendants Bob Lee and  
 Kelly J. Walker**

1 Dated: August 4, 2011

WILSON SONSINI GOODRICH & ROSATI

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3 By: \_\_\_\_\_/S/\_\_\_\_\_  
LEO CUNNINGHAM  
4 Attorneys for Plaintiffs

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6 **PROPOSED ORDER**

7 For good cause shown, the August 26, 2011 case management conference in this case is  
8 vacated, and a new case management conference is scheduled for 2/24/12.

9 IT IS SO ORDERED.

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11  
12 Dated: 8/10/11

  
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13 HON. JEREMY FOGEL  
14 UNITED STATES DISTRICT JUDGE