

1 MELINDA HAAG (CSBN 132612)
 United States Attorney
 2 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 3 JENNIFER S. WANG (CSBN 233155)
 CLAIRE T. CORMIER (CSBN 154364)
 4 Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 6 Telephone: (415) 436-6967
 Facsimile: (415) 436-6748
 7 Email: jennifer.s.wang@usdoj.gov

8 Attorneys for the Federal Defendant

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 RABBIA ALHOZBUR,)	No. C 09-1576 JW
14 Plaintiff,)	STIPULATION AND [PROPOSED] ORDER CONTINUING DEADLINE FOR MOTION HEARING
15 v.)	
16 JOHN McHUGH, Secretary of the Army,)	
17 Defendant.)	

18
 19 Under the current scheduling order for this case, the last day for hearing on dispositive
 20 motions is March 28, 2011. Trial is set to commence on June 21, 2011.

21 Pursuant to this Court's local rules, a March 28, 2011 hearing date would require the
 22 filing of the moving papers 35 days in advance of the hearing date, or February 21, 2011.
 23 However, because that date is a holiday, defendant's counsel has advised that defendant intends
 24 to file a summary judgment motion no later than Friday, February 18, 2011.

25 As of February 15, 2011, the Court's on-line scheduling notes indicate that the first dates
 26 available for a motion hearing are April 11 or April 25, 2011. Undersigned counsel for
 27 defendant has prepaid vacation plans for the week of April 11, 2011, and her co-counsel, Jennifer
 28 Wang, is currently scheduled to be in trial on that date. Accordingly, the parties hereby

1 STIPULATE AND REQUEST that the deadline for hearings on dispositive motions for this case
2 be extended to April 25, 2011. However, the parties further stipulate that the briefing schedule
3 for defendant's motion will remain the same as if the motion hearing was on March 28, 2011.

4 Accordingly, the schedule for the motion will be:

5	February 18, 2011	Last day to file dispositive motion
6	March 7, 2011	Last day to file opposition to motion
7	March 14, 2011	Last day to file reply to opposition
8	April 25, 2011	Hearing on motion

9 Respectfully submitted,

10 MELINDA HAAG
11 United States Attorney

12 /s/ Claire T. Cormier

13 Dated: February 16, 2011

14 CLAIRE T. CORMIER¹
15 Assistant United States Attorney

16 BROWNSTEIN THOMAS LLP

17 /s/ Mark C. Thomas

18 Dated: February 16, 2011

19 MARK C. THOMAS
20 Attorney for Plaintiff

21 ~~PROPOSED~~ ORDER

22 Pursuant to the stipulation of the parties and good cause appearing, IT IS SO ORDERED.

23 Dated: February 17, 2011

24 James Ware
25 JAMES WARE
26 UNITED STATES DISTRICT COURT CHIEF JUDGE

27 ¹ I, Claire T. Cormier, hereby attest that I have on file all holographic signatures for any
28 signatures indicated by a "conformed" signature (/s/) within this e-filed document.