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14	UNITED STATES DISTRICT COURT	
15	NORTHERN DISTRICT OF CALIFORNIA	
16	SAN JOSE DIVISION	
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18	GLENN E. HARPER,	Case Number: C09-05758 JW
19	Plaintiff,	ORDER DENYING STIPULATION
20	V.	RE: MODIDIFCATION OF CASE SCHEDULE
21 22	CITY OF SAN JOSE; the SAN JOSE POLICE DEPARTMENT; and ROBERT	
22	DAVIS, individually and in his official capacity as Chief of the SAN JOSE POLICE DEPARTMENT, and DOES,	
23	POLICE DEPARTMENT, and DOES, inclusive,	
25	Defendants.	
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Presently before the Court is the parties' Stipulation to Modify the Court's April 8, 2010 Scheduling Order. (Docket Item No. 23.) The parties request to modify the Case Schedule on the ground that current counsel of record for Plaintiff, Mr. Bourke, will be substituted by new counsel, Mr. Patrick J. Manshardt. (Id.) However, the parties represent that Mr. Manshardt is currently "suspended from practicing law in the state of California and in this district" and that he should be "reinstate[d] to practice in the near future." (Id.) The Court finds that it cannot modify the Case Schedule based on these representations. First, substitution of counsel has not yet occurred. Second, new proposed counsel has been suspended by the state bar to practice law in California and his reinstatement to the bar does not appear to be sufficiently concrete, namely, "in the near future." Accordingly, the Court DENIES the Stipulation and the parties shall adhere to the April 8,

2010 Scheduling Order.

Dated: November 2, 2010

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AMES WARE United States District Judge