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8 Attorneys for Defendants CITY OF SUNNYVALE, DEVON KLEIN,  
 9 CARL RUSHMEYER and KELLY FITZGERALD

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 BRUCE MILLAR, PATRICIA MILLAR, and )  
 13 DAVID MILLAR, )  
 14 Plaintiffs, )  
 15 vs. )  
 16 CITY OF SUNNYVALE, DEVON KLEIN, )  
 17 CARL RUSHMEYER, KELLY FITZGERALD, )  
 18 and DOES 1 to 20, )  
 19 Defendants. )

Case No.: CV10-0827 JW

STIPULATION AND [PROPOSED] ORDER  
 EXTENDING DEADLINE TO FILE FIRST  
 AMENDED COMPLAINT

20 The parties, through undersigned counsel, stipulate as follows, and request that the Court  
 21 enter its Order implementing this stipulation.

22 1. On the record of the June 7, 2010 hearing/Case Management Conference, the  
 23 parties agreed that Plaintiffs – in light of a then-scheduled mediation session set for August 30,  
 24 2010 -- would have until September 30, 2010 to file an amended Complaint. Likewise, the  
 25 parties also stipulated to allow Defendants additional time in which to file a responsive pleading,  
 26 until 20 days after service of the amended Complaint.

27 2. The June 17, 2010 Order, of the Court, inadvertently or otherwise failed to reflect  
 28 the Court’s approval of those terms, which are noted on the June 7, 2010 transcript. Previously,  
 Plaintiff lodged relevant portions of the transcript, and so forth, in materials that were filed on  
 September 13, 2010.

1           3.       The parties wish to implement their agreements reached June 7, 2010 and request  
2 that the Court issue an order achieving that result, for all parties' benefits.

3  
4 Dated: September 29, 2010

LAW OFFICES OF NICHOLAS DAMER

5  
6 By: \_\_\_\_\_ /s/  
7 Nicholas Damer  
8 Attorney for Plaintiffs

9 Dated: September 30, 2010

BERTRAND, FOX & ELLIOT

10  
11 By: \_\_\_\_\_ /s/  
12 Gregory M. Fox  
13 Attorney for Defendants  
14 CITY OF SUNNYVALE, DEVON KLEIN,  
15 CAROL RUSHMEYER and KELLY  
16 FITZGERALD

17  
18  
19 **ATTORNEY ATTESTATION**

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by  
21 a conformed signature (“/s/”) within this E-filed document.

22 Dated: September 30, 2010

\_\_\_\_\_/s/  
Gregory M. Fox

23  
24 **ORDER**

25 Good cause appearing, it is ordered that the above Stipulation is approved and that the  
26 Plaintiffs shall have until September 30, 2010 in which to file and serve an amended complaint,  
27 and Defendants shall have until 20 days thereafter to respond.  
28 The Amended Complaint shall be filed as a separate docket entry.

Dated: \_ October 1, 2010 \_\_\_\_\_

  
\_\_\_\_\_  
JAMES WARE  
United States District Court Judge