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**\*E-FILED - 11/17/10\***

6 Attorneys for Defendant COUNTY OF MONTEREY

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

10 \_\_\_\_\_ )  
 11 NICK OLIVO, )  
 )  
 12 Plaintiff, )  
 )  
 13 vs. )  
 14 )  
 15 COUNTY OF MONTEREY, )  
 )  
 16 Defendant. )  
 17 \_\_\_\_\_ )

CASE NO. CV10-02568 RMW

**EX PARTE APPLICATION AND  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE  
NOW SET FOR NOVEMBER 19,  
2010**

18 Defendant, COUNTY OF MONTEREY, hereby applies to the Court ex parte for an  
 19 Order continuing the Case Management Conference presently set for November 19, 2010, for at  
 20 least 90 days or to such date as pleases the Court. The undersigned counsel has attempted to  
 21 advise Plaintiff that such an ex parte request will be made to this Court, has been unable to reach  
 22 Plaintiff, but has left telephonic messages in this regard. Defendant has not sought or obtained  
 23 any previous extensions of time. Such an extension is timely and is necessary to allow additional  
 24 time to consider Plaintiff's claims, confer with Plaintiff, consider discovery and possible use of  
 25 the ADR process. As explained in Defendant's Ex Parte motion, Plaintiff did not serve  
 26 Defendant with the Court's order of September 17, 2010 to continue the then Case Management  
 27 Conference to November 19, 2010, therefore Defendant was unaware of the setting until it filed  
 28 the waiver of service of summons on November 15, 2010.

1 Defendant respectfully requests that the Court grant a continuance of until at least  
2 February 25, 2011.

3 Dated: November 17, 2010

Respectfully submitted,

4 CHARLES J. McKEE  
5 County Counsel

6  
7 By: /s/ Irven L. Grant  
8 IRVEN L. GRANT, Deputy County Counsel  
9 Attorneys for Defendant  
10 COUNTY OF MONTEREY

11  
12 ORDER

13 Having considered Defendant's ex part application to continue the Case Management  
14 Conference presently set for November 19, 2010, and finding good cause therefore,

15 IT IS HEREBY ORDERED that the Case Management Conference be continued until  
16 December 17, 2010 at 10:30 a.m.

17  
18 DATED: 11/17/10

  
19 UNITED STATES DISTRICT JUDGE