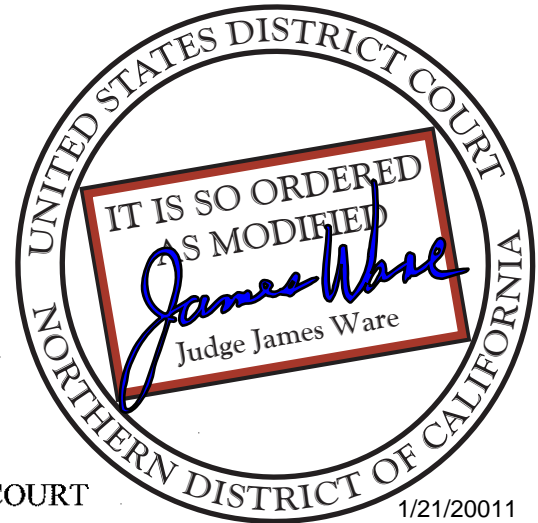


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6 Attorneys for Plaintiffs



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

11 JULIE TALBERT, individually and on  
12 behalf of all others similarly situated,

13 Plaintiff,

14 vs.

15 CITY OF CAPITOLA, a political  
subdivision of the State of California;  
16 CAPITOLA POLICE DEPARTMENT;  
AMERICAN TRAFFIC SOLUTIONS,  
17 LLC, a Limited Liability Company, and  
DOES 1 through 50, INCLUSIVE,

18 Defendants

) CASE NO: CV 10-03113 JW

) STIPULATION AND ORDER  
) VACATING JANUARY 24, 2011  
) HEARING AND GRANTING  
) PLAINTIFF LEAVE TO FILE  
) FIRST AMENDED COMPLAINT

) FRCP 15(a)(2)

19  
20  
21  
22 WHEREFORE, neither Plaintiff Julie Talbert ("Plaintiff") nor Defendants City of  
23 Capitola, Capitola Police Department, and American Traffic Solutions (collectively,  
24 "Defendants") have previously requested any scheduling modifications in this action; and

25 WHEREFORE, vacating the hearing currently set for January 24, 2011 at 9 a.m. in  
26 Courtroom 8 on Defendants' Amended Motion to Dismiss will allow Plaintiff to file a First  
27 Amended Complaint, narrow the issues before the Court, and allow the parties an opportunity to  
28 explore early resolution;

1 Plaintiff and Defendants hereby stipulate and agree, by and through their respective  
2 counsel of record, as follows:

- 3 1. Plaintiff shall file the First Amended Complaint, attached hereto as Exhibit A, by January  
4 21, 2011; as a separate docket entry.
- 5 2. The hearing on Defendant's Amended Motion to Dismiss, currently set for January 24,  
6 2011, is vacated. Defendants shall file a Joint Motion to Dismiss the First Amended  
7 Complaint by January 31, 2011. Plaintiff's opposition brief shall be filed by February 10,  
8 2011. Defendants' reply shall be filed by February 15, 2011;
- 9 3. The parties respectfully request that the Court schedule a hearing on Defendants'  
10 anticipated Joint Motion to Dismiss the First Amended Complaint on February 28, 2011,  
11 or a date at the Court's discretion. The hearing on Defendants' anticipated  
12 Motion to Dismiss the First Amended Complaint shall be set for **March 28, 2011** at  
13 **9:00** a.m. in Courtroom 8;
- 14 4. Plaintiff waives any claim that this Court lacks subject matter jurisdiction of this matter  
15 based on the amended allegations of the First Amended Complaint;
- 16 5. No trial date has been set. Setting a hearing on Defendants' anticipated Motion to  
17 Dismiss the First Amended Complaint on February 28, 2011 would not affect any  
18 schedule proposed by Plaintiff. Defendants propose an amended case schedule (based on  
19 the proposal set forth in the Joint Case Management Statement) that accounts for the one-  
20 month delay.
- 21 6. Accordingly, the Case Management Conference currently set for January 24, 2011, is also vacated.  
22 The Court will set a new Case management Conference in its Order addressing Defendants' Motion to  
23 Dismiss, if necessary.

24 DATED: January 20, 2011

LAW OFFICE OF DAVID Y. IMAI

25  
26 By: /s/ David Y. Imai  
27 DAVID Y. IMAI  
28 Attorneys for Plaintiff  
JULIE TALBERT

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DATED: January 20, 2011

ATCHISON, BARISONE, CONDOTTI &  
KOVACEVICH

By: /s/ S. Adair Paterno  
GEORGE J. KOVACEVICH  
S. ADAIR PATERNO  
Attorneys for Defendants  
CITY OF CAPITOLA and CAPITOLA  
POLICE DEPARTMENT

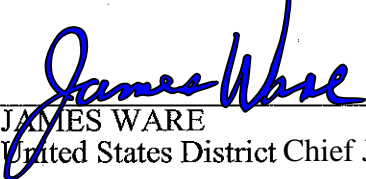
DATED: January 20, 2011

STOEL RIVES LLP

By: /s/ Vanessa S. Power  
MICHAEL B. BROWN  
UZUNMA A. KAS-OKOKA  
VANESSA S. POWER (Pro Hac Vice)  
Attorneys for Defendant  
AMERICAN TRAFFIC SOLUTIONS,  
LLC

**PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.**

DATED: January 21, 2011

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