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due on November 29, 2011.

1 MELINDA HAAG (CSBN 132612) United States Attorney JOANN M. SWANSÓN (CSBN 88143) 2 Chief, Civil Division JAMÉS A. SCHARF (CSBN 152171) 3 Assistant United States Attorney 4 150 Almaden Boulevard, Suite 900 San Jose, CA 95113 5 Telephone: (408) 535-5044 FAX: (408) 535-5081 6 James.Scharf@usdoi.gov 7 Attorneys for Federal Defendant 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 RANDY CHAPEL, CASE NO. CV 11-04344 PSG 12 Plaintiff, STIPULATION AND [PROPOSED] ORDER RE DEFENDANT'S MOTION 13 TO DISMISS AND THE CMC 14 15 UNITED STATES DEPARTMENT OF EDUCATION, 16 Defendant. 17 18 Plaintiff and defendant, through its counsel, hereby stipulate to extend the hearing on 19 defendant's motion to dismiss to December 6, 2011, at 10:00 a.m. Plaintiff's opposition shall be 20 due November 14, 2011, and defendant's reply shall be due November 21, 2011. The purpose of 21 this extension is to provide plaintiff additional time to review documents that defendant has 22 produced and has agreed to produce and to provide both parties with additional time to complete 23 the ongoing meet and confer process. 24 So as to avoid multiple court appearances, the parties further stipulate to continue the 25 Case Management Conference to December 6, 2011, to be held, if necessary, immediately 26 following the hearing on defendant's motion to dismiss. The parties' CMC Statements shall be

1	Dated: October 19, 2011
2	Respectfully submitted,
3	MELINDA HAAG
4	United States Attorney
5	By: /S/
6	JAMES A. SCHARF Assistant United States Attorney Attorney for Federal Defendant
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8	By: /S/
9	RANDY CHAPEL Plaintiff
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11	Pursuant to the parties' stipulation, and good cause appearing, it is hereby ordered:
12	1. The hearing on defendant's motion to dismiss is continued to December 6, 2011, at
13	10:00 a.m. Plaintiff's opposition shall be due November 14, 2011, and defendant's reply shall be
14	due November 21, 2011.
15	2. The Case Management Conference is continued to December 6, 2011, to be held, if
16	necessary, immediately following the hearing on defendant's motion to dismiss. The parties'
17	CMC Statements shall be due on November 29, 2011.
18	D. 10.11 01.2011 7.0 5.40
19	Dated: October 21 2011 Hon. Paul Grewal United States Magistrate Judge
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