

1 MELINDA HAAG (CSBN 132612)  
 United States Attorney  
 2 JOANN M. SWANSON (CSBN 88143)  
 Chief, Civil Division  
 3 JAMES A. SCHARF (CSBN 152171)  
 Assistant United States Attorney  
 4  
 5 150 Almaden Boulevard, Suite 900  
 San Jose, CA 95113  
 Telephone: (408) 535-5044  
 6 FAX: (408) 535-5081  
 James.Scharf@usdoj.gov

7 Attorneys for Federal Defendant

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

11 RANDY CHAPEL,  
 12 Plaintiff,

CASE NO. CV 11-04344 PSG  
 STIPULATION AND ~~PROPOSED~~  
 ORDER RE DEFENDANT'S MOTION  
 TO DISMISS AND THE CMC

15 UNITED STATES DEPARTMENT  
 16 OF EDUCATION,  
 17 Defendant.

18  
 19 Plaintiff and defendant, through its counsel, hereby stipulate to extend the hearing on  
 20 defendant's motion to dismiss to December 6, 2011, at 10:00 a.m. Plaintiff's opposition shall be  
 21 due November 14, 2011, and defendant's reply shall be due November 21, 2011. The purpose of  
 22 this extension is to provide plaintiff additional time to review documents that defendant has  
 23 produced and has agreed to produce and to provide both parties with additional time to complete  
 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  
 27 due on November 29, 2011.

