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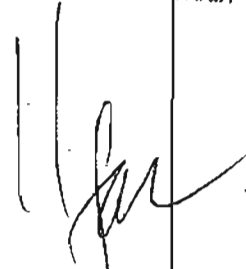
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RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

OCT 22 2004

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



1 KEVIN V. RYAN (CSBN 118321)
United States Attorney
2 JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
3 TRACIE L. BROWN (CSBN 184339)
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055
5 San Francisco, California 94102-3495
6 Telephone: (415) 436-6917
7 FAX: (415) 436-6748

8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 ROBERT-JOHN FOTI; JOE NEUFELD;
KEN AUGUSTINE,

13 Plaintiffs,

14 v.

15 OFFICER McHUGH and other unknown
16 number of unnamed officers of the U.S.
17 Marshals Service and the Federal Protective
18 Service; U.S. MARSHALS SERVICE;
19 FEDERAL PROTECTIVE SERVICE,

20 Defendants.

No. C 04-2567 PJH

**JOINT STIPULATION AND
[PROPOSED] ORDER CONTINUING
HEARING ON MOTION TO DISMISS
AND CASE MANAGEMENT
CONFERENCE**

Dates: October 27, 2004 (motion to dismiss)
October 28, 2004 (CMC)
Judge: The Honorable Phyllis J. Hamilton
Courtroom 3, 17th Floor

Pursuant to Local Rule 7-11, the parties stipulate as follows:

1. The Court is currently scheduled to hear Defendant's motion to dismiss on October 27, 2004. The parties are currently scheduled to appear for a Case Management Conference ("CMC") on October 28, 2004.

2. Counsel for Defendant recently learned that she would be co-chair on a case going to trial before the Honorable Martin J. Jenkins during the week of October 25, 2004. Accordingly, Defendant's counsel requested that the Plaintiffs stipulate to a one-week continuance of the October 27, 2004 motion to dismiss hearing and the October 28, 2004 CMC. Plaintiffs agreed to a continuance, but requested an additional week; Defendant's counsel agreed.

3. Because Plaintiffs live at some distance from the Court, the parties jointly request that the Court conduct both the motion to dismiss hearing and the CMC on Wednesday, November 10, 2004 or on such other single date as may be convenient for the Court.

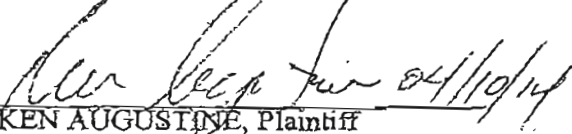
DATED: October 13, 2004

Respectfully submitted,

KEVIN V. RYAN
United States Attorney


TRACIE L. BROWN
Assistant United States Attorney

DATED: October 14, 2004


KEN AUGUSTINE, Plaintiff

DATED: October 19, 2004

*PER PERSONAL INSTRUCTIONS FOR
Robert-John: Fotl by Ken Augustine 04/10/04*
ROBERT-JOHN:FOTL, Plaintiff

DATED: October 19, 2004

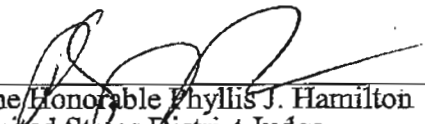

JOSEPH NEUFELD, Plaintiff

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, and good cause appearing, the Court hereby vacates the motion to dismiss hearing set for October 27, 2004 and the Case Management Conference set for October 28, 2004. The parties are hereby ordered to appear for both the motion to dismiss hearing and a Case Management Conference on November 10, 2004 at 9:00 a.m./p.m. ~~Each~~ party shall file a Case Management Conference Statement no later than seven calendar days prior to the Case Management Conference.

parties jointly

DATED: 10/22, 2004


The Honorable Phyllis J. Hamilton
United States District Judge

CERTIFICATE OF SERVICE

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The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

1. Joint Stipulation and [Proposed] Order Continuing Hearing on Motion to Dismiss and Case Management Conference

Foti, et al. v. McHugh, et al.
C 04-2567 PJH

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

- FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- CERTIFIED MAIL (#)** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- PERSONAL SERVICE (BY MESSENGER)**
- FEDERAL EXPRESS**
- FACSIMILE (FAX)**
- HAND-DELIVERED**

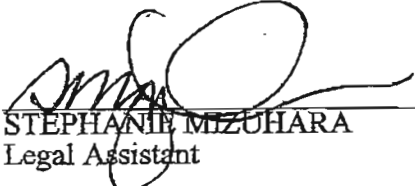
to the party addressed as follows:

Robert-John Foti
General Delivery
Woodacre, CA 94973

Joseph Leonard Neufeld
General Delivery
Mission Rafael Station
San Rafael, Ca 94915-9999

Kenneth Augustine
53 Mark Drive
San Rafael, CA 94903
Ph: 415-472-4952

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 20, 2004 at San Francisco, California.


STEPHANIE MIZUHARA
Legal Assistant

1 Pursuant to Local Rule 7-11, the parties stipulate as follows:

2 1. The Court is currently scheduled to hear Defendant's motion to dismiss on
3 October 27, 2004. The parties are currently scheduled to appear for a Case Management
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5 2. Counsel for Defendant recently learned that she would be co-chair on a case going
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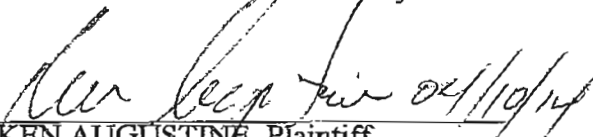
13 DATED: October 13, 2004

Respectfully submitted,

14 KEVIN V. RYAN
15 United States Attorney

16 
17 TRACIE L. BROWN
Assistant United States Attorney

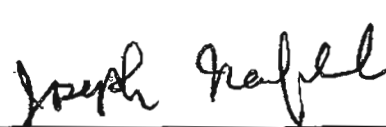
18 DATED: October 14, 2004

19 
20 KEN AUGUSTINE, Plaintiff

21 DATED: October 19, 2004

22 *PER PERSONAL INSTRUCTIONS FOR*
Robert-John Foti by Mr. Augustine 04/10/19
23 ROBERT-JOHN FOTI, Plaintiff

24 DATED: October 14, 2004

25 
26 JOSEPH NEUFELD, Plaintiff

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

~~FW~~
RJA

Ken Augustine
53 B. Myrick Dr.
SAN RAFAEL CA 94903

Felicia -
This sig. page
goes with stip
at docket no. 11.
C-04-2567

U.S. District Court
450 Golden Gate Ave. Box 36055
San Francisco CA, 94102-3495

