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16
17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19

20 **JEANNE E. CALDWELL,**

21 **Plaintiff,**

22 **v.**

23 **ROY L. CALDWELL, PH.D., in his**
24 **official capacity as Director of the**
25 **University Of California Museum Of**
26 **Paleontology; DAVID LINDBERG, in**
27 **his official capacity as Chair of the**
28 **Integrative Biology Department of the**
University of California-Berkeley; and
MICHAEL D. PIBURN, in his official
capacity as Program Director for the
National Science Foundation,

Defendants.

CASE NO. C05-04166 PJH

STIPULATION AND ~~PROPOSED~~ ORDER
RE: CONTINUANCE OF HEARING ON
DEFENDANTS ROY L. CALDWELL,
PH.D., AND DAVID LINDBERG'S
MOTION TO DISMISS COMPLAINT
PURSUANT TO F.R.C.P. 12(b)(6)

STIP AND PROPOSED ORDER RE: MOTION TO DISMISS

STIPULATION

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Defendants, Roy L. Caldwell, Ph.D., and David Lindberg have filed a Motion to Dismiss plaintiff Jeanne E. Caldwell's Complaint in this action pursuant to Federal Rules of Civil Procedure 12(b)(6), which is noticed for hearing on January 25, 2006. Under the Local Rules, Plaintiff's Opposition to the Motion to Dismiss would be due on or before January 4, 2006, and Defendants' Reply would be due on or before January 11, 2006.

Based upon the holiday season and pre-existing commitments in other lawsuits, plaintiffs' counsel have requested a two-week continuance of the hearing on the Motion to Dismiss, which will also result in a two-week continuance of the respective deadlines for plaintiff's Opposition and defendants' Reply.

Subject to approval of the accompanying Order by the court, the parties hereby stipulate, through their respective counsel of record, to a two-week continuance of the hearing date on defendants' Motion to Dismiss and the respective deadlines for plaintiff's Opposition and defendants' Reply in relation to the Motion to Dismiss, so that the following dates will apply:

- New hearing date for Defendants Caldwell and Lindberg's Motion to Dismiss: February 8, 2006.
- New deadline for filing and service of Plaintiff's Opposition: January 18, 2006.
- New deadline for filing and service of Defendants' Reply: January 25, 2006.


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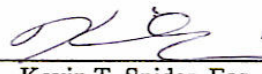
It is so stipulated.

Morgenstein & Jubelirer LLP

Dated: *December 28, 2005* By: 

Adrienne S. Leight, Esq.,
Attorneys for defendants
Roy L. Caldwell, Ph.D., and
David Lindberg

Pacific Justice Institute

Dated: *Dec. 28 '05* By: 

Kevin T. Snider, Esq.,
Attorneys for plaintiff Jeanne E. Caldwell

STIP AND PROPOSED ORDER RE: MOTION TO DISMISS

