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Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO,  
 TRACY MCCRAY, FITZERALD WONG, MARIS GOLDSBOROUGH,  
 CRAIG WILSON, BENNY LEW, TIM LAIRD,  
 DEBORAH GOLDSTEIN, IVEY NZEREM, AND FAY ALI

UNITED STATES DISTRICT OF CALIFORNIA

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

GEORGIY KULYA, INDIVIDUALLY,  
 AND AS GUARDIAN AD LITEM FOR  
 HIS MINOR CHILD YVAN K.,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN  
 FRANCISCO, SAN FRANCISCO  
 POLICE DEPARTMENT, CITY AND  
 COUNTY OF SAN FRANCISCO  
 HUMAN SERVICES AGENCY, TRACY  
 MCCRAY, FITZERALD WONG,  
 MARIS GOLDSBOROUGH, CRAIG  
 WILSON, BENNY LEW, TIM LAIRD,  
 DEBORAH GOLDSTEIN, IVEY  
 NZEREM, FAY ALI, AND DOES 1  
 THROUGH 50, INCLUSIVE,

Defendants.

Case No. C06-06539 JSW

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO EXTEND TIME TO  
 ANSWER TO DATE FOLLOWING  
 HEARING ON MOTION PURSUANT  
 TO F.R.C.P. 12(b)**

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**THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

1. All defendants have waived service of process;
- 2.. All defendants intend to bring a motion pursuant to Federal Rule of Civil Procedure 12(b), which motion will be filed and served not later than January 26, 2007;
3. Plaintiffs agree to extend time for defendants to answer the complaint to a date following a ruling on the Rule 12(b) motion;
4. Because the hearing on the Rule 12(b) motion will likely not take place before March 2, which is the date currently scheduled for the initial Case Management Conference in this matter, all parties respectfully request that the Court continue the Case Management Conference for at least two weeks.

IT IS SO STIPULATED.

Dated: January 18, 2007

LAW OFFICES OF ROBERT R. POWELL

-/s/- Robert R. Powell

By: \_\_\_\_\_

ROBERT R. POWELL, ESQ.

Attorney for Plaintiff

GEORGIY KULYA, INDIVIDUALLY, AND AS  
GUARDIAN AD LITEM FOR HIS MINOR CHILD  
YVAN K.

Dated: January 18, 2007

DENNIS J. HERRERA

City Attorney

JOANNE HOEPER

Chief Trial Deputy

ELLEN SHAPIRO

Deputy City Attorney

-/s/- Ellen Shapiro

By: \_\_\_\_\_

ELLEN SHAPIRO

Attorneys for Defendants

CITY AND COUNTY OF SAN FRANCISCO,

TRACY MCCRAY, FITZERALD WONG,

MARIS GOLDSBOROUGH, CRAIG WILSON, BENNY LEW,

TIM LAIRD, DEBORAH GOLDSTEIN, IVEY NZEREM, AND

FAY ALI

**ORDER DENYING STIPULATION**

The Court having reviewed the above stipulation of the parties, and good cause appearing therefor, it is DENIED.

~~ORDERED~~ that defendants' time to answer the complaint herein is extended to a date to be ordered at the time the Court rules on defendants' F.R.C.P. 12(b) motion, and that the initial Case Management Conference in this matter be continued from March 2, 2007 to \_\_\_\_\_, 2007 at 1:30 p.m.

Date: January 25, 2007

  
HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

The time to answer is automatically extended by operation of Federal Rule of Civil Procedure 12(a)(4)(A). Further, the Case Management Conference has already been reset for March 9, 2007 at 9:00 a.m. following hearing on the motion. Therefore, the stipulation is DENIED.