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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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12 UNITED STATES OF AMERICA,

CASE NO. CR 10-00494-EJD-1

13 Plaintiff,

**STIPULATION TO CONTINUE DATE
FOR FILING OF REPLY IN SUPPORT
OF DEFENDANT'S MOTION TO
SUPPRESS EVIDENCE**

14 vs.

15 BRIAN DUNNING,

JUDGE: Hon. Edward J. Davila
DATE: March 25, 2013
TIME: 3:00 p.m.

16 Defendant.

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TRIAL DATE: April 22, 2013

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20 The parties, through their respective counsel, hereby agree and stipulate as follows:

21 1. The parties are engaged in active negotiations in an attempt to resolve this case and
22 believe that further negotiation will be productive. The parties have previously sought "breathing
23 room" within which to conduct their negotiations. Pursuant to the parties' requests, the Court
24 previously moved the hearing date on Defendant's Motion to Suppress Evidence and the dates by
25 which the government and Defendant were to file their opposition and reply memoranda,
26 respectively.

27 2. To secure additional "breathing room" the parties request the Court extend the date
28 by which Defendant must file his reply memorandum in support of his motion to suppress

CR 10-00494-EJD-1

STIPULATION AND ORDER

1 evidence by one week, until March 18, 2013. This will give the Court a week to review the papers
2 before the hearing date.

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4 DATED: March 11, 2013

Respectfully submitted,
RUS, MILIBAND & SMITH
A Professional Corporation

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By: /s/
STEPHEN R. COOK
Attorneys for Defendant
BRIAN DUNNING

10 DATED: March 11, 2013

MELINDA HAAG
United States Attorney

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By: /s/
DAVID R. CALLAWAY
Attorneys for Plaintiff

ORDER

17 Based upon the foregoing Stipulation and good cause appearing,
18 IT IS HEREBY ORDERED that the Defendant's reply date shall be as set forth in the
19 above stipulation.

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21 DATED: 3/12 , 2013



THE HONORABLE EDWARD J. DAVILA
United States District Judge

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