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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 **IVAN PENA, et al.,**

13 Plaintiffs,

14 v.

15 **WILFREDO CID,**

16 Defendant.

2:09-cv-01185-FCD-KJM

**DEFENDANT CID’S REQUEST TO
 EXTEND TIME TO FILE JOINT
 STATUS REPORT; SUPPORTING
 DECLARATION OF STEPHEN
 ACQUISTO**

Courtroom: No. 2, 15th Floor
 Judge: The Honorable Frank C.
 Damrell, Jr.
 Trial Date: None
 Action Filed: May 1, 2009

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 20 In the Memorandum and Order, issued October 2, 2009, the Court directed the parties to
 21 submit a joint status report within ten days of the Ninth Circuit’s en banc decision in *Nordyke v.*
 22 *King*. The Ninth Circuit issued its en banc decision in *Nordyke* on July 12, 2010, making the
 23 joint status report in this case due no later than July 22. Unfortunately, Anthony Hakl, counsel
 24 for Defendant Cid is on vacation from July 12 through July 23. Since Mr. Hakl will not be back
 25 from vacation before the deadline to submit the joint status report, Defendant Cid asks the Court
 26 to extend the deadline to file the joint status report to August 5, 2010, which is ten days after
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1 Mr. Hakl returns to the office on July 26. As set forth in the supporting declaration, good cause
2 exists for this short extension.

3 Counsel for Plaintiffs does not oppose this request.

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5 Dated: July 15, 2010

Respectfully submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of California

8
9 /s/ Stephen P. Acquisto
10 STEPHEN P. ACQUISTO
11 Supervising Deputy Attorney General
12 *Attorneys for Defendant Wilfredo Cid*

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SUPPORTING DECLARATION OF STEPHEN ACQUISTO

1. I am a supervising attorney at the California Attorney General's Office. Deputy Attorney General Anthony Hakl is the primary handling attorney on this case and is the most knowledgeable about the case and the issues it presents.

2. Mr. Hakl is out of the office on vacation from July 12 to July 23, 2010. The first day of his vacation was the day the Ninth Circuit issued its en banc decision in *Nordyke v. King*.

3. According to this Court's October 2, 2009 Memorandum and Order, the parties are required to file a joint status report within 10 days of the en banc decision in *Nordyke*. Therefore, the joint status report is due on July 22, which is before Mr. Hakl returns from vacation.

4. Defendant Cid asks that the deadline to submit the joint status report be extended to August 5, 2010, which is ten days after Mr. Hakl returns to the office on July 26th. This will allow Defendant Cid to have the primary attorney handling attorney participate in the drafting of the joint status report. This brief extension will not cause Plaintiffs any prejudice.

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1 5. On July 14, 2010, I exchanged emails with plaintiffs' counsel Alan Gura about the
2 need for this extension. He agreed to the extension to August 5th.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed on
4 July 15, 2010.

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6 /s/ Stephen P. Acquisto
STEPHEN P. ACQUISTO

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