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 21 HOTEL WEST I, LP

22 **UNITED STATES DISTRICT COURT**
 23 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

| | | | |
|----|--------------------------------------|---|--------------------------------|
| 24 | CONNIE ARNOLD, an individual, |) | CASE NO. 1:08-CV-00026-OWW-GSA |
| 25 | |) | |
| 26 | Plaintiff, |) | STIPULATION TO CONTINUE |
| 27 | |) | DEADLINES AND |
| 28 | v. |) | ORDER |
| 29 | |) | |
| 30 | HOTEL WEST I, LP, a Delaware limited |) | |
| 31 | partnership and DOES 1 through 10, |) | |
| 32 | inclusive, |) | TRIAL DATE: August 25, 2009 |
| 33 | |) | |
| 34 | Defendants. |) | |

35
 36 Plaintiff Connie Arnold and Defendant Hotel West I, LP, by and through their
 37 respective counsel, hereby jointly stipulate and request that the Court modify the
 38

1 scheduling order filed January 16, 2009, and grant continuances of expert disclosure
2 deadlines by 21 days, based on the good cause shown below.

3 1. On January 4, 2008, plaintiff filed an action seeking renovations to
4 defendant's hotel facility in Fresno, California to improve disabled access, as well as
5 seeking damages, attorney's fees, litigation expenses, and costs.

6 2. On November 19, 2008, plaintiff conducted her Rule 34 inspection of the
7 property. On December 24, 2008, plaintiff provided her expert's informal report to
8 defendant to facilitate settlement discussions with defendant.

9 3. Throughout this case, and even more so after plaintiff provided her
10 expert's informal report, the parties have been working cooperatively and diligently to
11 resolve this case in its entirety by reaching a final agreement on the substance of the
12 items to be included in a final Consent Decree and Order. As of today's date, the
13 parties are pleased to inform this Honorable Court that they are circulating a Consent
14 Decree and Order for signature. All terms for injunctive relief have been reached and
15 resolved.

16 4. While the parties have been cooperating in good faith to resolve this
17 matter and appear to be close to doing so, the expert disclosure deadline looms at
18 Friday, April 15, 2009, and the rebuttal expert disclosure deadline on Friday, May 1,
19 2009. The parties are currently circulating a Consent Decree, and a detailed itemization
20 of facility modifications. The parties would like to complete the resolution of this case
21 without having to expend time and resources working concurrently on complying with
22 what will likely be unnecessary expert disclosures. Doing so will significantly increase
23 the cost of the case without moving settlement forward.

24 5. The Court granted three previous stipulations by the parties. The extra
25 time allowed by the Court has permitted the parties to work further toward resolving
26 this case. The parties' goals in this instance were met as they have now arrived at a
27 Consent Decree and settled all injunctive relief issues without having to expend monies
28 on experts reports and the completion of discovery, The parties believe this request for

1 additional time will result in a resolution of the remaining monetary issues, and
2 dismissal of this case. The parties wish to expend their time in settlement discussions
3 rather than completing discovery and reports that will likely make the case harder rather
4 than easier to settle.

5 6. The parties, having already completed the resolution of all injunctive and
6 technical issues in the case, therefore, jointly request that the Court grant the
7 continuances set out below to allow the parties a further opportunity to bring this case to
8 a close without further discovery or the assistance of the Court. This additional time
9 will, in all likelihood, obviate the need for further Court involvement, thereby saving the
10 Court's time and resources.

11 NOW, THEREFORE, the parties stipulate to the following and request that the
12 Court make the following changes to dates in the case:

13

| <u>Task</u> | <u>Current Date</u> | <u>Requested Date</u> |
|--|---------------------|-----------------------|
| 14 Last day to disclose experts | April 15, 2009 | May 1, 2009 |
| 15 Last day to disclose rebuttal 16 or supplemental experts | May 1, 2009 | May 15, 2009 |

17
18 All other dates set out in the Court's Scheduling Order, as amended, will remain
19 the same.

20 SO STIPULATED.

21 DATED: April 9, 2009 LAW OFFICES OF ANTHONY E. GOLDSMITH

22
23 By: _____
24 ANTHONY E. GOLDSMITH
Attorney for Plaintiff
CONNIE ARNOLD

25 DATED: April 9, 2009 GREENBERG TRAURIG, LLP

26
27 By: _____
28 KATHLEEN E. FINNERTY
MARC B. KOENIGSBERG
Attorney for Defendant
HOTEL WEST I, LP

ORDER

For good cause shown, the parties' stipulation is approved. The June 12, 2008 Amended Scheduling Conference Order, as amended, is further amended as follows with respect to dates in the action:

| <u>Task</u> | <u>Current Date</u> | <u>Requested Date</u> |
|---|----------------------------|------------------------------|
| Last day to disclose experts | April 15, 2009 | May 1, 2009 |
| Last day to disclose rebuttal or supplemental experts | May 1, 2009 | May 15, 2009 |

All other dates, as stated in this Court's Order filed January 16, 2009, are to remain the same.

IT IS SO ORDERED.

Dated: April 13, 2009

/s/ OLIVER W. WANGER
Honorable Oliver W. Wanger
United States District Court Judge

SAC 441,392,427v2 3-3-09