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10 Attorneys for Plaintiff, SUE JONES  
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12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA  
14

15 SUE JONES,

16 Plaintiff,

17 v.,

18 CITY OF ORANGE COVE and Does 1  
through 25, inclusive,

19 Defendants.  
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Case No. 1:08-CV-00775 DLB

**STIPULATION TO CONTINUE TRIAL  
DATE**

Current Trial Date: April 27, 2010  
Proposed Trial Date: June 14, 2010

21  
22 **THE PARTIES HAVE HERETORE HAVE AGREED TO HAVE THIS CASE TRIED**  
23 **BEFORE A MAGISTRATE JUDGE**

24 Plaintiff, Sue Jones was and is a resident of Orange Cove. Sue Jones is one of the  
25 largest property owners in Orange Cove, including ownership of the property at issue,  
26 located at 449 "G" Street, No. 11, in Orange Cove (Subject Property) This case concerns  
27 the alleged improper actions of Orange Cove which Ms. Jones claims were design to  
28 punish her for supporting an opponent of Mayor Lopez during the last election cycle.

1 On her second claim Jones claims that Defendants' attempted to make Sue Jones  
2 pay the past due water bills for prior tenants by requiring payment before water can be  
3 provided to the building increasing the cost of her operation as a property owner.

4 Plaintiff also objects to the City's amendment to Orange Cove Municipal Code  
5 Section 15.17.070. The code section provides that landlords are responsible for the  
6 delinquent water bills of their tenants. City claims that the amended code section is  
7 patterned after numerous such code sections in other valley cities.

8 During the pendency of this litigation, the City leadership changed. This change  
9 caused the City defendant and Plaintiff to have a better relationship. As a direct result of  
10 this "better relationship" the parties met in an informal settlement conference on October  
11 15, 2009 and reached substantial resolution as it relates to the Orange Cove Municipal  
12 Code §15.17.070 which is in dispute. This in essence would wipe out one half of the  
13 issues.

14 The parties also discussed potential settlement of the remainder of the dispute  
15 between them. To reach that resolution, further engineering work is required and the  
16 parties have agreed to perform that work and meet again once the analysis has been  
17 completed. Because of the new amicable nature of the parties relationship, little discovery  
18 has been held.

19 The parties are very hopeful that the matter would be resolved soon. However, to  
20 protect their respective rights they are respectfully seeking a continuance of the currently  
21 set trial date to June 14, 2009. They ask the court to provide guidance as to what would  
22 be the appropriate dates for all corresponding deadlines. A summary of the current set  
23 dates and those which have been proposed follows:

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| 1  | Event                          | Date              | Proposed New Date             |
|----|--------------------------------|-------------------|-------------------------------|
| 2  | Initial Disclosure             | January 20, 2009  | No change                     |
| 3  | Non-Expert Disclosure          | October 8, 2009   | February 1, 2010              |
| 4  | Expert Disclosure              | December 10, 2009 | March 15, 2010                |
| 5  | Non Dispo Motion filing        | December 15, 2009 | March 20, 2010                |
| 6  | Non Dispo Motion hearing       | January 09, 2009  | April 30, 2010                |
| 7  | Dispositive Motion filing      | December 30, 2009 | April 15, 2010                |
| 8  | Dispositive Motion hearing     | January 29, 2009  | May 20, 2010                  |
| 9  | Settlement Conference          | November 10, 2009 | February 17, 2010 at 10:00 am |
| 10 | before Magistrate Judge Snyder |                   |                               |
| 11 | Pre-Trial Conference           | March 12, 2010    | May 7, 2010 at 1:30 pm before |
| 12 | Magistrate Judge Beck          |                   |                               |
| 13 | Trial Date                     | April 27, 2010    | June 15, 2010 at 9:00 am      |
| 14 | before Magistrate Judge Beck   |                   |                               |

15           The parties believe that if they are given some additional time they may be able to  
16 resolve the matter altogether. They believe that stipulation proposed herein provides for  
17 that additional time.

18           IT IS SO STIPULATED

19 Dated: October 21, 2009

Tuttle & McCloskey  
A Professional Corporation

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By /s/ James F. McBrearty  
James F. McBrearty  
Attorneys for Defendant,  
City of Orange Cove

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Dated: October 21, 2009

Yarra, Kharazi & Associates

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By /s/ H. Ty Kharazi  
H. Ty Kharazi, Esq.  
Attorneys for Plaintiff,  
Sue Jones

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**ORDER**

Based on the stipulation of the parties, and good cause appearing, it is hereby ordered that the trial date shall be moved to June 15, 2010.

IT IS SO ORDERED.

Dated: October 23, 2009

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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