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21 Attorneys for Petitioner, SUE JONES

22 UNITED STATES DISTRICT COURT
23 EASTERN DISTRICT OF CALIFORNIA

24 SUE JONES,

25 Plaintiff,

26 v.,

27 CITY OF ORANGE COVE and Does 1
28 through 25, inclusive,

Defendants.

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

**STIPULATION AND ORDER SETTING
BRIEFING SCHEDULE**

Whereas, on May 2, 2008, Petitioner Sue Jones (“Petitioner”) filed in the Fresno County Superior Court a Petition for Writ of Prohibition, challenging Respondent’s, the City Council of Orange Cove (“Respondent”), May 9, 2007 decision regarding Petitioner’s the condition of Petitioner’s real property located at 449 G Street, Unit No. 11, Orange Cove, California.

Whereas, the Petition was filed in conjunction with a Complaint for Temporary

1 Restraining Order, Preliminary Injunction, Permanent Injunction; Damages and Declaratory
2 Relief.

3 Whereas, on or about June 4, 2008, both the Petition and Complaint were removed to this
4 Court based upon federal question jurisdiction.

5 Whereas, on or about June 8, 2010, this Court heard and decided upon two Motions for
6 Summary Judgment in favor of Respondent.

7 Whereas, on or about July 7, 2010, Petitioner filed a Notice of Appeal with the Ninth
8 Circuit Court of Appeal, challenging this Court's ruling on the Motions for Summary Judgment.

9 Whereas, on or about October 20, 2011, the Ninth Circuit Court of Appeal issued a
10 decision directing the District Court to treat Petitioner's Petition for Writ of Prohibition as a
11 Petition for Writ of Administrative Mandamus pursuant to California Code of Civil Procedure
12 1094.5.

13 Whereas, the parties agree that the Petition for Writ of Administrative Mandamus should
14 be tried prior to proceeding to trial on the Complaint.

15 Therefore, the parties to this matter, through their respective counsel, hereby stipulate to
16 the following schedule:

17 1. Respondent, City of Orange Cove shall have sixty (60) days from the effective
18 date of this Order to provide Petitioner with an electronic copy of the Administrative Record for
19 review and comment.

20 2. Petitioner shall have Thirty (30) days from Respondent's delivery of the
21 Administrative Record to advise Respondent whether Petitioner has any objection to the form or
22 contents of the Administrative Record.

23 3. Respondent shall certify and lodge the Administrative Record with this Court
24 within one hundred ten (110) days of the effective date of this Order.

25 4. Petitioner shall file and serve on Respondent, its Opening Brief within sixty (60)
26 days of the date the Administrative Record is lodged with this Court.

27 5. Respondent shall file and serve its Opposition Brief within (20) days of the date
28 Petitioner files and serves its Opening Brief.

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6. Petitioner shall file and serve any Reply Brief within ten (10) days of the date Respondent files and serves its Opposition Brief.

7. Upon receipt of Petitioner’s Reply Brief, the Court shall schedule a half day bench trial on the Petition.

Dated: Dec. 12, 2011

Law Office of Michael P. Slater

By /s/

Michael P. Slater
Attorney for Respondent,
City of Orange Cove

Dated: Dec. 12, 2011

Yarra, Kharazi & Associates

By /s/

Attorneys for Plaintiff,
City of Sue Jones

IT IS SO ORDERED.

Dated: January 9, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE