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9 JESSE RAY LUCAS

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 JESSE RAY LUCAS, individually,

13 Plaintiff,

14 vs.

15 CITY OF VISALIA; VISALIA POLICE
16 DEPARTMENT; ROBERT CARDEN,
17 individually and in his capacity as Chief of Police
18 of the Visalia Police Department; VISALIA
19 POLICE OFFICER CARMEN ESPARZA,
20 individually and in her capacity as a police
21 officer; VISALIA POLICE OFFICER SEAN
22 O'RAFFERTY, individually and in his capacity as
23 a police officer; TASER INTERNATIONAL,
24 INC.; and DOES 1 to 30,

25 Defendants.

Case No.: 1:09-cv-01015-AWI-JLT

**STIPULATION AND ORDER LIFTING
STAY AND SETTING SCHEDULING
CONFERENCE**

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(Doc. 79)

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The parties to this litigation, by and through their respective attorneys of record hereby submit this Stipulation and Order Lifting Stay and Setting Scheduling Conference.

STIPULATION

WHEREAS, on April 13, 2011 this Court vacated all future dates in this matter and granted a stay of the civil proceedings until criminal proceedings against Plaintiff Jesse Ray Lucas were concluded in state court;

WHEREAS, the criminal proceedings have now concluded and the parties wish to lift the stay and resume the civil case.

WHEREAS, the parties agree a Scheduling Conference should be set on January 4, 2012, or at a date and time thereafter to be determine by the Clerk of the this Court.

THEREFORE, based on the foregoing, it is agreed that:

1. The stay granted on April 13, 2011 is lifted;
2. A Scheduling Conference should be set on January 4, 2012, or at a date and time thereafter to be determine by the Clerk of the this Court.

SO STIPULATED:

DATED: November 15, 2011

REED SMITH LLP

By /s/ Ashley L. Shively
Ashley L. Shively
Attorneys for Plaintiff JESSE RAY LUCAS

DATED: November 15, 2011.

DOOLEY, HERR, PELTZER & RICHARDSON LLP

By /s/ Leanoard C. Herr
Leonard C. Herr
Ron Statler
Attorneys for Defendants CITY OF VISALIA,
VISALIA POLICE DEPARTMENT, OFFICER
CARMEN ESPARZA and OFFICER SEAN
O’RAFFERTY

ORDER

Based on the foregoing stipulation of the Parties, it is hereby **ORDERED**:

1. The stay, issued on April 13, 2011 (Doc. 78), is LIFTED ;

2. A Scheduling Conference is set for January 4, 2012 at 10:00 a.m. at 1200 Truxtun Avenue, Suite 120, Bakersfield, CA 93312.

3. No later than December 28, 2011, counsel SHALL file a joint scheduling report that details the discovery completed before the stay was imposed, if any, and addresses the requirements of the Order Setting Mandatory Scheduling Conference, dated June 10, 2009. (Doc. 9)

4. Counsel are authorized to appear by telephone at the scheduling conference. In the event that more than one attorney wishes to appear by telephone, counsel shall jointly agree whether they will appear by CourtCall or via conference call and note this decision on the facepage of their joint statement. If counsel decide to appear by conference call, all attorneys shall be on the line before the call is placed to the Court at (661) 326-6624;

IT IS SO ORDERED.

Dated: November 15, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE