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COUNTY OF MADERA and
6 MICHAEL KEITZ

7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 KAREN MITCHELL and TONI LINDSEY,

11 Plaintiffs,

12 v.

13 COUNTY OF MADERA and MICHAEL
14 KEITZ,

15 Defendants.

Case No. 1:10-cv-01405-LJO-DLB

**STIPULATION TO STAY
PLAINTIFFS' CLAIMS PENDING
APPEAL; ORDER**

Trial Date: January 17, 2012

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IT IS STIPULATED by and between the parties:

- 1. Whereas, Defendants County of Madera and Michael Keitz filed an appeal of the District Court’s denial of their Motion for Summary Judgment based on qualified immunity on October 26, 2011.
- 2. Whereas, the Ninth Circuit Court of Appeals has given the appeal case number 11-17582.
- 3. Whereas, a stay pending appeal is appropriate for the parties to the appeal, because an appeal of a motion for summary judgment based on qualified immunity automatically divests the District Court of jurisdiction.
- 4. Whereas, Plaintiffs request that both Plaintiffs’ claims be stayed pending appeal.
- 5. Whereas, mediation between the parties is scheduled for November 10, 2011.
- 6. All parties request the trial of this matter currently scheduled for January 17, 2012, be taken off calendar, including all dates for the Pre-Trial Statements and the Pre-Trial Conference scheduled for November 30, 2011, pending final resolution of Appeal No. 11-17582.

Dated: October 31, 2011

PENNER, BRADLEY & SIMONIAN

By: /s/ Peter Sean Bradley
 Peter Sean Bradley
 Attorneys for Plaintiffs
 KAREN MITCHELL and TONI
 LINDSEY

Dated: October 31, 2011

COTA COLE LLP

By: /s/ Carolyn J. Frank
 Dennis M. Cota
 Carolyn J. Frank
 Attorneys for Defendants
 COUNTY OF MADERA and
 MICHAEL KEITZ

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[PROPOSED] ORDER

Based on the foregoing Stipulation To Stay Plaintiffs' Claims Pending Appeal, this COURT:

1. STAYS all aspects of this action pending defendants' appeal or resolution of this action;
2. VACATES the November 30, 2011 pretrial conference and hearing on defendants' motion to stay and the January 17, 2011 trial;
3. ORDERS the parties, no later than February 1, 2012, to file status reports as to the appeal and related matters, and to file status reports every 120 days thereafter.

IT IS SO ORDERED.

Dated: November 1, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE