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8 Attorneys for PLAINTIFFS SCOTT MEYERS and LILA MEYERS

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

<p>11 SCOTT MEYERS and LILA MEYERS on          12 their own behalf and as INDIVIDUAL          13 CLASS REPRESENTATIVES on behalf of          14 all others similarly situated,          15          16 PLAINIFFS,          17          18 vs.          19          20 CITY OF FRESNO, a Municipal          21 Corporation; Keith Bergthold, In His Official          22 Capacity; Brian Leong, In His Official          23 Capacity; and DOES 1-200 inclusive,          24          25 DEFENDANTS.</p>	<p>26 ) CASE NO. 1:10-CV-02359-LJO-SKO          27 )          28 ) <b>STIPULATION TO STAY PROCEEDINGS          AND ORDER THEREON</b></p>
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29 WHEREAS, Plaintiffs and Defendants have sought the assistance of Mediator  
 30 Jube J. Najarian of Jacobson, Hansen, Najarian and McQuillan, and are engaged in  
 31 active and intensive settlement negotiations in an effort to informally resolve the entire  
 32 Action;

33 WHEREAS, the Parties and Mediator agree that the settlement negotiations  
 34 have been, and remain, productive and helpful in assisting the parties in identifying,  
 35 addressing and resolving complex issues;

36 WHEREAS, the parties recognize and acknowledge that the current relief sought  
 37 in the Action is equitable in nature (injunctions and declaratory relief) and are seeking to  
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1 efficiently and cost effectively administer these claims along with claims pending in a  
2 separate state proceeding;

3 WHEREAS, Plaintiffs and Defendants are in the process of negotiating the  
4 status of the class claims and considering class certification alternatives and limitations;

5 WHEREAS, Plaintiffs and Defendants have further reached an agreement and  
6 desire to stay these proceedings to continue to engage in settlement discussions with  
7 Mediator Jube Najarian:

8 It is stipulated by and between Plaintiffs and Defendants, by and through their  
9 respective counsel, that:

10 1. Discovery and law and motion activities shall be stayed for 120 days  
11 during the parties' settlement discussions;

12 2. The currently scheduled dates shall be vacated and rescheduled to a later  
13 date, following the 120 day stay:

- 14 • July 5, 2013 deadline to file and serve opposition papers on class  
15 certification;
- 16 • July 19, 2013 deadline to file and serve reply papers on class  
17 certification; and
- 18 • August 23, 2013 hearing on class certification.

19 3. Settlement discussions are currently ongoing and can be terminated at  
20 any time upon written notice by either party, in which case litigation activities will  
21 resume;

22 4. The parties may stipulate to extend the stay upon the making of a motion  
23 or upon stipulation of the parties and Court approval;

24 5. The parties shall submit joint declarations of progress to the court prior to  
25 the expiration of the stay;

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1 IT IS SO STIPULATED AND AGREED.

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4 Dated: June 25, 2013

LAW OFFICES OF DANIL MONTELEONE

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/s/ Jeffrey T. Belton  
Danil Monteleone  
Jeffrey T. Belton  
Kylie P. Toro  
Attorneys for PLAINTIFFS  
SCOTT MEYERS and LILA MEYERS, et al.

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11 Dated: June 25, 2013

BETTS, RUBIN & McGUINNESS

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/s/ Brady K. McGuinness  
James B. Betts  
Joseph D. Rubin  
Brady K. McGuinness  
Attorneys for DEFENDANTS  
CITY OF FRESNO, KEITH BERGTHOLD, and  
BRIAN LEONG

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18 Dated: June 25, 2013

JACOBSON, HANSEN, NAJARIAN & MCQUILLAN

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/s/ Jube J. Najarian  
Jube J. Najarian  
MEDIATOR

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1 **ORDER**

2 IT IS HEREBY ORDERED that:

- 3 1. Discovery and all class certification deadlines are hereby STAYED;
- 4 2. The August 21, 2013, hearing on Plaintiffs' motion for class certification is
- 5 VACATED;
- 6 3. The parties shall file status reports regarding their settlement discussion
- 7 progress **on August 30, 2013**; and
- 8 4. The parties shall submit a new proposed scheduling order regarding class
- 9 certification and discovery **on or before October 29, 2013**.
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11 IT IS SO ORDERED.

12 **Dated: June 25, 2013**

13 /s/ Sheila K. Oberto  
14 UNITED STATES MAGISTRATE JUDGE