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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT MEYERS and LILA MEYERS on their own behalf and as INDIVIDUAL CLASS REPRESENTATIVES on behalf of all others similarly situated,

PLAINTIFFS,

vs.

CITY OF FRESNO, a Municipal Corporation; Keith Bergthold, In His Official Capacity; Brian Leong, In His Official Capacity; and DOES 1-200 inclusive,

DEFENDANTS.

CASE NO.: 1:10-CV-02359-LJO-SKO

STIPULATION FOR ADDITIONAL STAY TO ALLOW TIME FOR APPROVAL OF SETTLEMENT AGREEMENT AND ORDER THEREON

WHEREAS, counsel for Plaintiffs and counsel for Defendants have recently completed negotiating all the non-monetary and procedural terms of a proposed settlement and release agreement which would dispose of all the claims in this action;

WHEREAS, counsel for Plaintiffs and counsel for Defendants have also recently completed negotiating the terms of a settlement agreement involving similar issues in a pending state court proceeding;

WHEREAS, the terms of the settlement and release agreement will require Fresno City Council approval;

WHEREAS, the only item that is still being negotiated is the amount of monetary payment;

1 WHEREAS, Plaintiffs and Defendants continue to work with Mediator Jube J. Najarian of
2 Jacobson, Hansen, Najarian and McQuillan, to finalize agreement on this last remaining term;

3 WHEREAS, it will take additional time for the City of Fresno to formally approve the terms of the
4 settlement and release agreement as it will need to be approved by the Fresno City Attorney and the
5 Fresno City Council;

6 WHEREAS, the parties are optimistic that this Action can be informally resolved with
7 additional time;

8 WHEREAS, Plaintiffs and Defendants have further reached an agreement and desire to stay these
9 proceedings for an additional 120 days to continue to finalize the settlement agreement and to allow the
10 City of Fresno time to formally approve the settlement.

11 It is stipulated by and between Plaintiffs and Defendants, by and through their respective counsel,
12 that:

- 13 1. Discovery and law and motion activities shall be stayed until June 30, 2014 to afford
14 additional time for the City of Fresno to formally approve the settlement agreement;
- 15 2. If the settlement has not been approved by June 30, 2014, the parties will submit a new
16 proposed scheduling order to the Court; and
- 17 3. The parties may stipulate to extend the stay upon the making of a motion or upon stipulation
18 of the parties and Court approval;

19 **IT IS SO STIPULATED AND AGREED.**

20
21 DATED: February 27, 2014

LAW OFFICES OF DANIL MONTELEONE

22 /s/ Jeffrey T. Belton

23 Danil Monteleone

24 Jeffrey T. Belton

Attorneys for PLAINTIFFS

SCOTT MEYERS and LILA MEYERS, et al

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26 ///

1 DATED: February 27, 2014

BETTS, RUBIN, & MCGUINNESS
A Professional Corporation

2 /s/ Brady K. McGuinness

3 James B. Betts

4 Joseph D. Rubin

5 Brady K. McGuinness

6 Attorneys for DEFENDANTS

CITY OF FRESNO, KEITH BERGTHOLD, and BRIAN
LEONG

7 DATED: February 27, 2014

JACOBSON, HANSEN, NAJARIAN & MCQUILLAN

8 /s/ Jube J. Najarian

9 Jube J. Najarian

10 MEDIATOR

11 **IT IS HEREBY ORDERED AS FOLLOWS:**

- 12 1. The stay on discovery and all class certification shall remain in place; and
- 13 2. The parties shall submit a new proposed scheduling order regarding class certification and
- 14 discovery on or before June 30, 2014.

15

16 IT IS SO ORDERED.

17 Dated: March 4, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE