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6 Attorneys for Plaintiffs and Counter Defendants GARY COPPOLA, an individual; GARY  
7 COPPOLA, as SUCCESSOR TRUSTEE OF THE VIOLA M. COPPOLA IRREVOCABLE  
TRUST; and GARY COPPOLA, as TRUSTEE OF THE ANTHONY M. COPPOLA TRUST

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

10  
11 GARY COPPOLA, an individual, GARY  
12 COPPOLA, as SUCCESSOR TRUSTEE OF  
THE VIOLA M. COPPOLA IRREVOCABLE  
13 TRUST; and GARY COPPOLA, as  
TRUSTEE OF THE ANTHONY M.  
14 COPPOLA TRUST;

15 Plaintiffs,

16 v.

17 PARAGON CLEANERS, INC. (formerly  
sued as GREGORY SMITH, an individual); et  
18 al.

19 Defendants.

Case No.: 1:11-CV-01257-AWI-BAM

**ORDER ON STIPULATION FOR A STAY  
AND VACATING FEBRUARY 28, 2017  
TRIAL DATE**

20  
21 On January 23, 2017, the parties filed the following stipulation:

22  
23 This stipulation and proposed order is made by and between Gary Coppola, Gary Coppola as  
24 successor trustee of the Viola M. Coppola Irrevocable Trust, Gary Coppola as trustee of the Anthony  
25 M. Coppola Trust, Paragon Cleaners, Inc., Richard Laster, the Estate of Decatur Higgins, the Estate  
26 of Mabel Elaine Higgins, Nash Properties LLC, David H. Nash as successor co-trustee of the Jane  
27 Nash Trust, Richard P. Nash as successor co-trustee of the Jane Nash Trust, and the City of Visalia  
28 (collectively referred to herein as “the Parties”).

1           Whereas the Parties represented to the Court in the Stipulation and Order Setting a  
2 Settlement Conference with Neutral Timothy Gallagher [Document 453] their agreement to  
3 participate in a settlement conference scheduled on January 24, 2017. The Parties are working  
4 toward a global settlement but request more time and wish to avoid the attendant expense of  
5 preparation for trial at this time.

6           The Parties hereby stipulate and agree to request that the case be stayed until a status  
7 conference is scheduled on a date convenient to the Court in mid to late April, 2017. Under this stay,  
8 all pending deadlines set in the Pretrial Order filed on January 13, 2017 shall be stayed until a further  
9 schedule is ordered at the next status conference.

10          The Parties further stipulate and agree to request that the mediator, Timothy Gallagher, be  
11 allowed to schedule under this proposed Order that mediation and settlement conferences occur on  
12 the following dates: February 13, 2017, February 23, 2017, and March 10, 2017. The Parties further  
13 request that the Court allow Mr. Gallagher to require any parties, counsel and insurers to attend such  
14 settlement conferences, should he deem the same necessary.

15 Date: January 23, 2017

GREBEN & ASSOCIATES

17           /s/ Jan A. Greben

18           \_\_\_\_\_  
19           Jan A. Greben  
20           Attorneys for Plaintiffs and Counter Defendants  
21           GARY COPPOLA, an individual; GARY  
22           COPPOLA, as SUCCESSOR TRUSTEE OF  
23           THE VIOLA M. COPPOLA IRREVOCABLE  
24           TRUST; and GARY COPPOLA, as TRUSTEE  
25           OF THE ANTHONY M. COPPOLA TRUST

23 Date: January 24, 2017  
24           (per authorization)

BASSI, EDLIN, HUIE & BLUM LLP

25           /s/ Noel W. Edlin

26           \_\_\_\_\_  
27           Noel W. Edlin  
28           Attorney for Counter Defendants GARY COPPOLA, as  
29           SUCCESSOR TRUSTEE OF THE VIOLA M.  
30           COPPOLA IRREVOCABLE TRUST; and GARY

1 COPPOLA, as TRUSTEE OF THE ANTHONY M.  
2 COPPOLA TRUST

3 Date: January 24, 2017  
4 (per authorization)

GUALCO LAW

5  
6 /s/ Lori J. Gualco  
7 Lori J. Gualco  
8 Attorney for Defendant RICHARD LASTER

9 Date: January 24, 2017  
10 (per authorization)

GUALCO LAW

11  
12 /s/ Lori J. Gualco  
13 Lori J. Gualco  
14 Attorney for Defendant PARAGON CLEANERS,  
15 INC.

16 Date: January 24, 2017  
17 (per authorization)

HERR, PEDERSEN & BERGLUND LLP

18 /s/ Leonard C. Herr  
19 Leonard C. Herr  
20 Attorneys for Defendant CITY OF VISALIA

21 Date: January 24, 2017  
22 (per authorization)

WILLIAMS, BRODERSEN & PRITCHETT LLP

23  
24 /s/ Steven R. Williams  
25 Steven R. Williams  
26 Attorney for Defendants THE ESTATE OF  
27 DECATUR HIGGINS, deceased; THE ESTATE  
28 OF MABEL ELAINE HIGGINS, deceased; NASH  
PROPERTIES, LLC; DAVID H. NASH, as the  
SUCCESSOR CO-TRUSTEE OF THE JANE  
NASH TRUST, a trust treated under the terms of

1 the Last Will and Testament Of Mabel Elaine  
2 Higgins, formerly known as the Mabel Elaine  
3 Higgins Testamentary Trust and commonly known  
4 as the Jane Higgins Nash Trust; and RICHARD P.  
5 NASH, as the SUCCESSOR CO-TRUSTEE OF  
6 THE JANE NASH TRUST, a trust created under  
7 the terms of the Last Will and Testament Of Mabel  
8 Elaine Higgins, formerly known as the Mabel  
9 Elaine Higgins Testamentary Trust and commonly  
10 known as the Jane Higgins Nash Trust

11 The Court has reviewed the stipulation and generally intends to give it effect. However,  
12 the case will not be stayed and the Court will not vacate all dates that have been set. First, the  
13 Court will vacate the trial date and associated dates as set by the pre-trial order in lieu of  
14 “staying” the case or the dates. At the April 2017 status conference, the parties will be  
15 prepared to move forward with the case, and a new trial date (and associated dates and  
16 deadlines) will be addressed at that time. Second, on January 19, 2017, the Court entered a  
17 schedule for the parties to submit briefing on the issues of jury/non-jury trial and  
18 bifurcation/separate trial of issues. See Doc. No. 455. If mediation fails, a determination of  
19 what claims the jury will decide, and whether or what phases will be used to complete the trial,  
20 are both extremely important matters. Considering the possible motions in limine, verdict  
21 form, and jury instruction issues that are looming, it is preferable to resolve the jury/non-jury  
22 and bifurcation/separate trial issues before the April 2017 status conference. Therefore, the  
23 briefing schedule on those issues will be slightly altered, but not completely vacated.

24 **ORDER**

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. Pursuant to the above stipulation, all dates set in the January 13, 2017 Pre-Trial Order  
27 (Doc. No. 452), including the February 28, 2017 Trial Date, are VACATED;
- 28 2. A status conference will be held on April 17, 2017, at 1:30 p.m. in Courtroom No. 2;

- 1 3. No later than April 10, 2017, the parties shall submit a joint status report that outlines  
2 the status of the case, discusses any new developments that would weigh on the trial,  
3 and includes agreeable new trial dates;
- 4 4. Pursuant to the above stipulation, Mediator Timothy Gallagher may schedule mediation  
5 and settlement conferences for February 13, 2017, February 23, 2017, and March 10,  
6 2017, and Mr. Gallagher may require any parties, counsel and insurers to attend such  
7 settlement conferences should he deem the same necessary; and
- 8 5. All parties shall file briefing, as discussed above and as outlined in Doc. No. 455, on or  
9 by 2:00 p.m. on February 3, 2017, and shall file responses on or by 2:00 p.m. on  
10 February 10, 2017.

11 IT IS SO ORDERED.

12 Dated: January 24, 2017

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15 SENIOR DISTRICT JUDGE