

1 Leonard C. Herr, #081896  
Ron Statler, #234177  
2 DOOLEY, HERR, PELTZER & RICHARDSON  
Attorneys at Law, LLP  
3 100 Willow Plaza, Suite 300  
Visalia, California 93291  
4 Telephone: (559) 636-0200  
5 Attorneys for Defendant, CITY OF VISALIA  
6  
7

**EXEMPT FROM FILING FEES  
[Gov. Code §6103]**

8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

10  
11 VIOLA COPPOLA, GARY COPPOLA,  
and THE TRUST OF ANTHONY M.  
12 COPPOLA,

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

13 Plaintiffs,  
14 v.

**STIPULATION AND ORDER  
EXTENDING TIME FOR  
DEFENDANT CITY OF VISALIA TO  
RESPOND TO PLAINTIFFS' THIRD  
AMENDED COMPLAINT**

15 GREGORY SMITH, an individual,  
16 RICHARD LASTER, an individual; and  
THE JANE HIGGINS NASH TRUST;  
17 JANE NASH AS EXECUTOR OF THE  
ESTATE OF DECATUR HIGGINS  
18 A/K/A THE ESTATE OF MABEL  
ELAINE HIGGINS, HARLEY MILLER,  
an individual, CHERYL MILLER, an  
19 individual, MARTIN AND MARTIN  
PROPERTIES, BENART MAIN STREET  
20 PROPERTIES, CAL WATER SERVICE  
COMPANY, the CITY OF VISALIA and  
DOES 1-20, inclusive,

21 Defendants.  
22

23 AND RELATED COUNTER AND  
24 CROSS-CLAIMS.  
25  
26  
27  
28

1 Plaintiffs and Defendant City of Visalia do hereby enter into the following  
2 stipulation and ask that this Court enter an Order extending the time for City of  
3 Visalia to respond to the Third Amended Complaint as follows:

4 **RECITALS**

5 WHEREAS, the parties have once before entered into a stipulation  
6 regarding the time to respond, and

7 WHEREAS, the earlier stipulation recognized pending motions to dismiss  
8 the second and third causes of action in the Second Amended Complaint, and

9 WHEREAS, the earlier stipulation called for an answer on September 12,  
10 2012, and

11 WHEREAS, the parties have agreed that economy of litigation is served by  
12 extending the time to respond to the Third Amended Complaint until after  
13 resolution of the motions to dismiss.

14 **STIPULATION**

15 Plaintiffs and City do hereby stipulate that the time for City to file a  
16 response shall be determined as follows:

17 1. Should the Court grant the City's motions to dismiss, Plaintiffs shall  
18 file an amended complaint and the time to respond shall be determined by  
19 ordinary rules of civil procedure in this Court.

20 2. Should the Court deny the City's motions to dismiss or grant the  
21 motions without leave to amend, City shall file an answer within 7 calendar days  
22 after the Court enters an order denying the motions.

23 IT IS SO STIPULATED.

24 DATED: September 14, 2012 GREBEN & ASSOCIATES

25  
26 By: /s/ Jan A. Greben  
27 JAN A GREBEN  
28 Attorneys for Plaintiffs and Cross-  
Defendants, Viola Coppola, Gary Coppola  
and The Trust of Anthony M. Coppola

1 DATED: September 14, 2012 DOOLEY, HERR, PELTZER & RICHARDSON, LLP

2

3

By: /s/ Leonard C. Herr  
LEONARD C. HERR,  
Attorney for Defendant,  
CITY OF VISALIA

4

5

6

7

**ORDER**

8

9

Based on the above stipulation, and for good cause shown, the Court orders as follows:

10

11

12

13

14

15

16

17

1. Should the Court grant the City's motions to dismiss, Plaintiffs shall file an amended complaint and the time to respond shall be determined by ordinary rules of civil procedure in this Court;
2. Should the Court deny the City's motions to dismiss or grant the motions without leave to amend, City shall file an answer within 7 calendar days after the Court enters an order denying the motions.

IT IS SO ORDERED.

18

Dated: September 18, 2012

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

19

20

21

22

23

24

25

26

27

28