

1 SANJAY SCHMIDT, ESQ. SB#247475
 Law Offices of Sanjay S. Schmidt
 2 1686 Second Street, Suite 219
 Livermore, CA 94550
 3 Telephone: (925) 215-7733
 Facsimile: (925) 455-2486
 4 Attorneys for Plaintiff

5 SUSANA ALCALA WOOD, City Attorney, SB#156366
 JAMES F. WILSON, Senior Deputy City Attorney, SB #107289
 6 City of Modesto
 1010 10th Street, Suite 6300
 7 P.O. Box 642
 Modesto, California 95353
 8 Telephone: (209) 577-5284
 Facsimile: (209) 544-8260

9 Attorneys for Defendants CITY OF MODESTO,
 10 Officer BRIAN FERGUSON, Officer BENJAMIN KROUTIL,
 Officer JONATHAN GRIFFITH, Officer BEN BRANDVOLD and
 11 Sergeant DANIEL KEY

12
 13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA - FRESNO
 15

16 ROSA LETONA, NATALIE LETONA, and)
 ROSEMARY BANUELOS,)

No. 1:12-CV-00782-AWI-DLB

17)
 18 Plaintiffs,)

19 vs.)

**STIPULATION AND PROPOSED ORDER
 FOR AN EXTENSION OF TIME FOR
 DEFENDANTS TO ANSWER THE
 COMPLAINT**

20 CITY OF MODESTO, A Municipal)
 Corporation, Modesto Police Officers)
 21 BRIAN FERGUSON, Individually,)
 BENJAMIN KROUTIL, Individually,)
 22 JONATHAN GRIFFITH, Individually,)
 Modesto Police Sgt. DANIEL KEY, in his)
 23 individual and official capacities, and DOES)
 1-30, Jointly and Severally)

24 Defendants.)
 25)

26 **STIPULATION**

27 The parties to the above-entitled action, by and through their respective counsel of record,
 28 hereby stipulate that, subject to the approval of the court, the time within which the defendants must file

1 an answer to plaintiff's complaint, now set for December 4, 2012, may be extended to December 14,
2 2012.

3 The parties seek this extension of time in order to avoid potentially unnecessary filings with
4 the court, in light of the advanced stage of ongoing settlement discussions between the parties and the
5 fact that the parties believe that the settlement of the action is imminent.

6 An extension of time to answer until December 14, 2012 would not disturb the currently set
7 date for the scheduling conference in the action, which is now set for January 29, 2012. There are
8 currently no other dates pending in the action.

9 Should the case settle as anticipated, the parties will promptly notify the court of that fact and
10 seek an order removing the scheduling conference from the court's calendar.

11 **IT IS SO STIPULATED.**

12 Dated: November 30, 2012

Respectfully submitted,
LAW OFFICES OF SANJAY S. SCHMIDT

15 By: _____
SANJAY S. SCHMIDT, Esq.
16 Attorney for Plaintiff

17 Date: November 30, 2012

Respectfully submitted,
SUSANA ALCALA WOOD
18 City Attorney

20 By: _____
JAMES F. WILSON
21 Senior Deputy City Attorney
Attorneys for Defendants

22 IT IS SO ORDERED.
23 December 4
Dated: 2012

/s/ **Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE