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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**  
11

12 EDWARD WARKENTINE, an individual; and  
DANIEL TANKERSLEY, an individual,

13 Plaintiffs,

14 v.

15 HECTOR J. SORIA; DAN GRASSERAND;  
16 JOHNNY A. LEMUS; HECTOR  
LIZARRAGA; KRISTAL CHOJNACKI;  
17 GERRY GALVIN; FRANCISCO AMADOR;  
JOSEPH R. AMADOR; LEO CAPUCHINO;  
18 JOHN FLORES; ROBERT SILVA; CITY OF  
MENDOTA; JOSEPH RIOFRIO; BRYCE  
19 ATKINS; KORINA ZAMORA; MARTIN  
HERNANDEZ; SMITTY'S TOWING &  
20 AUTO DISMANTLING; ABRAHAM  
GONZALEZ; FELIPE GONZALEZ;  
21 GONZALEZ TOWING & TIRE SHOP; AND  
DOES 1 through 20, inclusive,

22 Defendants.  
23

CASE NO.: 1:13-CV-01550-MJS

**STIPULATION AND ORDER TO  
CONTINUE TRIAL AND PRETRIAL  
CONFERENCE (SECOND REQUEST)**

24 IT IS HEREBY STIPULATED AND AGREED by the parties hereto, that a short  
25 continuance of the trial and pretrial conference in this matter should be granted. The reason for  
26 the request is that Plaintiffs' counsel has a calendar conflict in that he is scheduled to be in a  
27 hearing on dispositive motions on January 15, 2016 in United States District Court, Eastern  
28 District of California – Sacramento Division, which hearing is expected to consume the majority,

1 if not all, of the day. Due to the availability of the court and counsel, the pretrial conference in  
2 this action cannot be rescheduled without continuing both the trial and pretrial conference. This  
3 is the second request for a continuance of this matter. The parties request that the trial be  
4 continued to March 1, 2016 and the pretrial conference be continued to January 29, 2016.

5 We have attempted to secure the signatures of the two pro per Gonzalez Defendants  
6 without success. However, we did make contact with the Gonzalez Defendants and they agreed  
7 to have the trial and pretrial conference continued to the foregoing dates.

8 Dated: December 3, 2015

FIKE & BORANIAN

9 /s/ David A. Fike  
10 *(as authorized on 12/3/15)*  
11 David A. Fike, Attorneys for Defendants  
12 City of Mendota, et al.

ROBERTSON, JOHNSON, MILLER &  
WILLIAMSON

13 /s/ G. David Robertson  
14 G. David Robertson, Attorneys for Plaintiffs

15  
16 **ORDER**

17 Good cause appearing, the proposed Stipulation to Continue the Pretrial and Trial dates in  
18 case 1:13-cv-1550-MJS is hereby approved and adopted as the Order of the Court.

19 IT IS HEREBY ORDERED that the Pretrial Conference in this case is continued to  
20 January 29, 2016 at 1:30 PM and trial is continued to March 1, 2016 at 8:30 AM, both in  
21 Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng.

22  
23  
24 IT IS SO ORDERED.

25  
26 Dated: December 3, 2015

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE