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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**
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11 EDWARD WARKENTINE, an individual; and
DANIEL TANKERSLEY, an individual,

12 Plaintiffs,

13 v.

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

21 Defendants.
22

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

**STIPULATION AND ORDER TO
CONTINUE TRIAL (FIRST REQUEST)
AND RELATED DISCOVERY AND
MOTION DEADLINES**

23 IT IS HEREBY STIPULATED AND AGREED by the parties hereto, that a short
24 continuance of the trial in this matter should be granted in the interests of justice to both allow
25 the parties to complete discovery and also allow adequate time for the parties to brief, and for the
26 Court to consider, dispositive motions expected to be filed in this matter. This is the first request
27 for a continuance of the trial in this matter.
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1 The parties have been working diligently in discovery to prepare for trial; however, the
2 parties have encountered various issues which necessitate a continuance. For example, Plaintiffs
3 recently located a large volume of documents which did not previously appear to be important to
4 the prosecution of this case, but which now appear to be relevant in light of facts uncovered to
5 date during the discovery process. Plaintiffs are thus currently working on a supplemental
6 production. The Defendants will need additional time to review those documents, depose
7 additional witnesses disclosed by the documents, and prepare their dispositive motion(s). In
8 addition, Plaintiffs are awaiting certain discovery responses from the City Defendants, which
9 Plaintiffs must review prior to taking some of the depositions, and those responses may also
10 require additional investigation. Further, the parties have encountered scheduling conflicts with
11 some of the necessary depositions, which have also impacted the parties' ability to file and
12 respond to dispositive motions under the current schedule. Finally, the parties understand and
13 share the Court's concern in its March 31, 2015 Order Amending Scheduling Order regarding
14 the compressed timeline to resolve the dispositive motions. Thus, the parties now seek a short
15 continuance to allow the parties to complete discovery and to further allow adequate time for the
16 parties to brief, and for the Court to consider, all dispositive motions filed in this matter.

16 The below parties therefore respectfully request an approximately four-month
17 continuance of the trial to the end of January 2016 or beginning of February 2016, or another
18 time that is mutually agreeable to the parties and the Court. The below parties also request that
19 expert and non-expert discovery be extended at least to August 21, 2015, the non-dispositive
20 motion filing deadline to August 31, 2015, and the dispositive motion filing deadline to
21 September 30, 2015.

22 We have also attempted to secure the signatures of the two pro per Gonzalez Defendants
23 without success, but they have verbally agreed to the continuance.

24 Dated: May 8, 2015

ROBERTSON, JOHNSON,
MILLER & WILLIAMSON

25 /s/ G. David Robertson
26 G. David Robertson, Attorneys for Plaintiffs

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FIKE & BORANIAN

/s/ David A. Fike

David A. Fike, Attorneys for Defendants City of Mendota, et al.

ORDER

Pursuant to the stipulation of the parties, IT IS SO ORDERED that the Trial set in this matter is continued to February 9, 2016 at 8:30 AM in Courtroom 6 (MJS) before U.S. Magistrate Judge Michael J. Seng. Further, expert and non-expert discovery may continue until August 21, 2015, the non-dispositive motion filing deadline is extended to August 31, 2015, and the dispositive motion hearing deadline is extended to September 30, 2015.

IT IS SO ORDERED.

Dated: May 12, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b) and Civil Local Rule 5-1, I hereby certify that I am an employee
3 of Robertson, Johnson, Miller & Williamson, over the age of eighteen, and not a party to the
4 within action. I further certify that on the 8th day of May, 2015, I electronically filed the
5 foregoing **STIPULATION AND ORDER TO CONTINUE TRIAL (FIRST REQUEST)**
6 **AND RELATED DISCOVERY AND MOTION DEADLINES** with the Clerk of the Court by
7 using the ECF system which sends a notice of the filing to the following:

8 David A. Fike, Esq.
9 (Calif. State Bar No. 95325)
10 Fike & Boranian
11 401 Clovis Avenue, Suite 208
12 Clovis, CA 93612
13 Telephone: (559) 229-2200
14 Facsimile: (559) 225-5504
15 Email: dfike@fikeboranianlaw.com
16 *Attorneys for Defendants City of Mendota,*
17 *Hector J. Soria, Dan Grasserand, Johnny A.*
18 *Lemus, Hector Lizarraga, Kristal Chojnacki,*
19 *Gerry Galvin, Francisco Amador, Joseph R.*
20 *Amador, Leo Capuchino, John Flores, Robert*
21 *Silva, Joseph Riofrio, Bryce Atkins and*
22 *Korina Zamora*

23 I further certify that on the 8th day of May, 2015, I caused to be deposited in the U.S.
24 Mail, first-class postage fully prepaid, a true and correct copy of the foregoing **STIPULATION**
25 **AND ORDER TO CONTINUE TRIAL (FIRST REQUEST) AND RELATED**
26 **DISCOVERY AND MOTION DEADLINES**, addressed to the following:

27 Abraham Gonzalez
28 Felipe Gonzalez
dba Gonzalez Towing & Tire Shop
1297 Oller Street
Mendota, CA 93640
Defendants in pro per

/s/ Teresa W. Stovak
An Employee of Robertson, Johnson,
Miller & Williamson