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Attorneys for Plaintiff
CALIFORNIA RIVER WATCH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA RIVER WATCH,
a 501(c)(3) nonprofit, public benefit
Corporation,

Plaintiff,

v.

COUNTY OF MADERA, et al

Defendants.

Case No.: 1:13-cv-01893-AWI-SMS

**EX PARTE REQUEST FOR RELIEF
FROM SCHEDULING CONFERENCE
SCHEDULE; DECLARATION OF
JACK SILVER; ORDER THEREON
[Civil L. R. 144(c)]**

Date: February 19, 2014
Time: 8:30 a.m.
Ctm: 1

Plaintiff CALIFORNIA RIVER WATCH hereby moves for relief from the Order
Setting Mandatory Scheduling Conference issued by this Court on November 21, 2013 (Dkt
#3) in that Plaintiff moves to extend all deadlines set in said Order for period of sixty (60)
days.

Dated: February 4, 2014

/s/ Jack Silver
JACK SILVER
Attorney for Plaintiff
CALIFORNIA RIVER WATCH

DECLARATION OF JACK SILVER

1
2 1. I am attorney for Plaintiff herein, have personal knowledge of all matters stated
3 herein, and, if called as a witness, could and would testify competently thereto.

4 2. This action is a complaint for injunctive relief, civil penalties and restitution
5 brought against Defendant County of Madera for current and ongoing violations of the Safe
6 Drinking Water Act, 42 U.S.C. § 300f *et seq.* The action was filed on November 21, 2013.
7 Defendant was served with the pleadings by way of Waiver of Service on December 11,
8 2013 sent to Douglas Nelson, County Counsel for the County of Madera representing
9 Defendant at that time. No appearance has been filed on behalf of Defendant.
10 Defendant's initial responsive pleading is due on February 10, 2014.

11 3. On January 29, 2014 co-counsel for Plaintiff David Weinsoff was contacted by
12 Attorney Matthew E. Fletcher of McCormick Barstow LLP who advised he would be
13 assuming representation of the Defendant, and had only recently received the file. Attorney
14 Fletcher advised that Defendant County of Madera was very interested in opening a dialogue
15 regarding informal resolution of this case without the need for further litigation. Following
16 that conversation, it was agreed that the parties would focus their efforts in the next few
17 weeks on negotiating a resolution of Plaintiff's claims as identified in the Complaint.

18 4. As the current scheduling Order includes the submission of a Joint Scheduling
19 Report on February 12, 2014 and a Scheduling Conference on February 19, 2014, I
20 respectfully request that all deadlines be extended for a period of sixty (60) days to allow the
21 parties time to negotiate a resolution of this matter absent further litigation. No trial or
22 pre-trial has been scheduled and no discovery has commenced. The continuance requested
23 will not hinder or harm any proceedings in this matter.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct, and that this declaration was executed in Santa Rosa, California
26 on February 4, 2014.

/s/ Jack Silver
JACK SILVER

ORDER

GOOD CAUSE APPEARING, it is hereby,

ORDERED, that the deadlines set forth in the Order Setting Mandatory Scheduling Conference be extended as follows:

- Last day to confer re:
- nature of claims and defenses
 - possibilities for prompt settlement/resolution
 - arrangement for Rule 26(a)(1) disclosures
 - development a proposed discovery plan - March 26, 2014
- Last day to file Joint Scheduling Report - April 9, 2014
- Scheduling Conference - 10:30 a.m. - Courtroom 1 - April 16, 2014

IT IS FURTHER ORDERED that the time within which a responsive pleading to the Complaint may be filed by Defendant COUNTY OF MADERA is extended to March 19, 2014.

Dated: 2/7/2014

/s/ SANDRA M. SNYDER
U.S. MAGISTRATE JUDGE