

1 LORI J. GUALCO (Bar No. 95232)
GUALCO LAW
2 400 Capitol Mall, Eleventh Floor
Sacramento, CA 95814
3 Tel: (916) 930-0700
Fax: (916) 930-0705
4 Email: ljgualco@gualcolaw.com

5 JAN A. GREBEN (Bar No. 103464)
CHRISTINE M. MONROE (Bar No. 304573)
6 GREBEN & ASSOCIATES
125 E. De La Guerra Street, Suite 203
7 Santa Barbara, CA 93101
Tel: (805) 963-9090
8 Fax: (805) 963-9098
Email: jan@grebenlaw.com
9 Email: christine@grebenlaw.com

10 Attorneys for Plaintiff
MISSION LINEN SUPPLY

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12 UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION
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15 MISSION LINEN SUPPLY,
16
Plaintiff,
17
v.
18
CITY OF VISALIA,
19
Defendant.
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Case No. 1:15-cv-00672-AWI-EPG

**JOINT STIPULATION TO CONTINUE
THE TRIAL DATE FROM MAY 23,
2017 TO OCTOBER 3, 2017 AND FOR
FURTHER MEDIATION SESSIONS;
AND (~~PROPOSED~~) ORDER**

Date Complaint Filed: May 1, 2015
Trial Date: May 23, 2017 at 8:30 am

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22 On April 25, 2017, the parties filed the following stipulation:
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24 Plaintiff Mission Linen Supply (“Plaintiff Mission”), by and through its attorneys of
25 record, Gualco Law and Lori J. Gualco, and Greben & Associates and Jan A. Greben, and
26 Defendant City of Visalia (“Defendant City”), by and through its attorneys of record, Herr,
27 Pedersen & Berglund LLP and Leonard C. Herr, having met and conferred on the issue of
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1 continuing the trial date from May 23, 2017 to October 3, 2017, and for participation in further
2 mediation sessions with Timothy Gallagher, Mediator, hereby stipulate and agree that good
3 cause exists for the continuation of the trial date in this case, and for further mediation between
4 the parties.

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6 Whereas, consistent with the Court's Order [Document 42], the Parties have participated
7 in a number of mediation sessions with Mr. Gallagher but have not yet reached a settlement.

8 Whereas, legal counsel for the parties believe further mediation should result in the
9 settlement of this litigation.

10 Whereas, legal counsel for the parties believe the administration of justice, resources of
11 the court and the parties are better served by expending further effort at settling this case, rather
12 than preparing for trial, next month.

13
14 Whereas, the Parties hereby stipulate and agree as follows:

15 1. The Parties have a hearing scheduled for May 8, 2017 on the Motions in Limine
16 and the Jury Trial brief issues filed by Plaintiff Mission Linen and Defendant City. The Parties
17 request that the Court decide if it wants to proceed with the hearing on those issues on May 8,
18 2017. As to all other pre-trial deadlines (including the filing of jury instructions), the Parties
19 request that the Court vacate those deadlines.

20
21 The Parties request a status conference be scheduled on May 8, 2017, and will file
22 a joint status report by May 3, 2017, in advance of the status conference.

23 2. The Parties and Mr. Gallagher have agreed that additional mediation sessions are
24 necessary to resolve this case, and to compel the personal attendance by the Court of each of the
25 City's carriers with authority to settle the case to attend and participate in such sessions at Mr.
26 Gallagher's office, located at 1875 Century Park East, Los Angeles, California.

1 3. The Parties hereby stipulate and agree that further settlement/mediation
2 conferences will be set with Mediator Timothy Gallagher, at his office in Los Angeles,
3 California. The Parties further request that the Court require Trial Counsel and the City's
4 insurers with settlement authority to attend such settlement/mediation conference in person, for
5 any mediation sessions to be scheduled by Mr. Gallagher.
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7 4. Plaintiff Mission and Defendant City agree that the trial scheduled for May 23,
8 2017 be continued to October 3, 2017 at 8:30 a.m. in the courtroom of Judge Anthony W. Ishii.

9 5. Plaintiff Mission and Defendant City agree to participate in further mediation
10 sessions with Timothy Gallagher, Mediator, as set by the Mediator.

11 Plaintiff Mission and Defendant City jointly move for an order regarding the above dates.

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14 Dated: April 25, 2017

GUALCO LAW

15 By: /s/ Lori J. Gualco

16 LORI J. GUALCO

17 Attorney for Plaintiff MISSION LINEN
SUPPLY

18 GREBEN & ASSOCIATES

19 Dated: April 25, 2017

20 By: /s/Jan A. Greben as authorized on 4/25/17

21 JAN A. GREBEN

22 Attorneys for Plaintiff MISSION LINEN
SUPPLY

23 Dated: April 25, 2017

HERR PEDERSEN & BERGLUND LLP

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25 By: /s/ Leonard C. Herr as authorized on 4/25/17

26 LEONARD C. HERR

27 Attorneys for Defendant CITY OF VISALIA
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1 The Court will give effect to the parties' stipulation. Part of the stipulation requests that
2 the Court determine whether to hear motions in limine on May 8, 2017. Given the parties
3 earnest and sincere efforts to mediate and reach a settlement, as well as a new trial date in
4 October 2017, the Court finds that it is advisable to vacate the hearing on the motions in limine.
5 Vacating the hearing has the potential of saving the Court and the parties time and other
6 resources. As part of an amended pre-trial order, the Court will reset a motions in limine
7 hearing. Additionally, due to the Court's criminal calendar, it is necessary to change the status
8 conference from 10:00 a.m. to 2:30 p.m.
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10 **ORDER**

11 Based on the above Joint Stipulation of Plaintiff Mission Linen Supply and Defendant
12 City of Visalia, IT IS HEREBY ORDERED that:
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- 14 1. The Parties shall continue to mediate with Mediator Timothy Gallagher at his office, on
15 dates to be set by Mr. Gallagher;
 - 16 a. Trial Counsel and the City's insurers with settlement authority are required to
17 attend the settlement/mediation sessions in person.
- 18 2. All dates in the pre-trial order (Doc. No. 44), including the trial date and the hearing on
19 motions in limine, are VACATED;
- 20 3. Trial in this matter is RESET to October 3, 2017, at 8:30 a.m. in Courtroom 2;
- 21 4. A telephonic status conference will be held on May 8, 2017, at 2:30 p.m.; and
- 22 5. The Parties will file a joint status report by May 3, 2017, in advance of the status
23 conference.
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26 IT IS SO ORDERED.

27 Dated: April 25, 2017

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SENIOR DISTRICT JUDGE

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