

1 **Sanjay S. Schmidt (SBN 247475)**
2 **LAW OFFICE OF SANJAY S. SCHMIDT**
3 1388 Sutter Street, Suite 810
4 San Francisco, CA 94109
5 Tel. (415) 563-8583
6 Fax (415) 223-9717
7 e-mail: ss@sanjayschmidtlaw.com

8 **Panos Lagos (SBN 61821)**
9 **LAW OFFICES OF PANOS LAGOS**
10 5032 Woodminster Lane
11 Oakland, CA 94602
12 Tel. (510) 530-4078
13 Fax (510) 530-4725
14 e-mail: panos@panoslagoslaw.com

15 *Attorneys for Plaintiffs,*
16 **PATRICIA MUGRAUER and**
17 **WADE MUGRAUER**

18 Adam U. Lindgren (SBN: 177476)
19 alindgren@meyersnave.com
20 **CITY OF MODESTO**
21 1010 10th Street, Suite 6300
22 PO BOX 642
23 Modesto, CA 95353
24 Telephone: (209) 577-5284
25 Facsimile: (209) 544-8260

26 Blake P. Loeb (SBN: 145790)
27 bloeb@meyersnave.com
28 David Mehretu (SBN: 269398)
dmehretu@meyersnave.com
MEYERS, NAVE, RIBACK, SILVER & WILSON
555 12th Street, Suite 1500
Oakland, California 94607
Telephone: (510) 808-2000
Facsimile: (510) 444-1108

Attorneys for Defendants **POLICE CHIEF**
GALEN CARROLL, OFFICER JOHN C. LEE
and **CITY OF MODESTO**

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

3 PATRICIA MUGRAUER and WADE
4 MUGRAUER,

5 Plaintiffs,

6 v.

7 CITY OF MODESTO, a municipal
8 corporation, Modesto Police Department Chief
9 GALEN CARROLL, in his individual and
10 official capacities, Modesto Police Officer
11 JOHN C. LEE, individually, and DOES 1
12 through 50, jointly and severally,

13 Defendants.

Case No. 1:16-cv-00480-AWI-SAB

**STIPULATION & [PROPOSED] ORDER
TO EXTEND DEADLINE FOR FILING
OF ATTORNEYS' FEES MOTION**

Trial Date: August 1, 2017

13 On February 9, 2017, the parties filed the following stipulation:

14
15 Pursuant to this Court's Order for Clerk to Enter Judgment Pursuant to Plaintiff Patricia
16 Mugrauer's Acceptance of a Rule 68 Offer of Judgment (Dkt. 24), the parties are to meet-and-
17 confer regarding the attorneys' fees and costs owed to Patricia Mugrauer under the terms of the
18 Rule 68 Offer. The parties are still in the process of meeting-and-conferring and require
19 additional time to attempt to resolve these outstanding issues short of a litigated motion. If this is
20 unfruitful, a motion will be filed and litigated, but the parties require an additional 45-days to
21 attempt to resolve these issues without a motion.

22 Accordingly, in the interest of judicial economy, the parties respectfully request that the
23 following deadlines in the Court's Order (Dkt. 24) be extended as follows:

24 If no agreement or stipulation can be reached by March 27, 2017, then Plaintiff shall file a motion
25 for costs and attorneys' fees on or by April 3, 2017, Defendants shall file a response or opposition
26 on or by April 10, 2017, and Plaintiff shall file a reply on or by April 17, 2017.

1 DATED: February 9, 2017

Respectfully Submitted,

2 LAW OFFICE OF SANJAY S. SCHMIDT
3 -and-
4 LAW OFFICES OF PANOS LAGOS

5 By: /s/ Sanjay S. Schmidt

6 Sanjay S. Schmidt
7 Attorneys for Plaintiffs,
8 PATRICIA MUGRAUER and WADE
9 MUGRAUER

10 DATED: February 9, 2017

Respectfully Submitted,

11 MEYERS, NAVE, RIBACK, SILVER & WILSON

12 By: /s/ Blake P. Loeb

13 Blake P. Loeb
14 David Mehretu
15 Attorneys for Defendants POLICE CHIEF
16 GALEN CARROLL, OFFICER JOHN C. LEE
17 and CITY OF MODESTO

18 After reviewing the matter, the Court will give effect to the parties' stipulation. However,
19 by March 27th the parties will have had more than enough time to attempt to agree on the matter
20 of fees and costs. The Court is disinclined to further alter the deadlines or briefing schedule on
21 these issues.

22 **ORDER**

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. If the parties are able to reach an agreement as to the amount of Patricia Mugrauer's costs
25 and attorney's fees, then the parties shall submit a stipulation and proposed order to the
26 Court as soon as possible;
- 27 2. If no agreement or stipulation can be reached by March 27, 2017, then:

28 STIPULATION & [PROPOSED] ORDER TO
EXTEND TIME FOR FILING OF
ATTORNEYS' FEES MOTION
1:16-CV-00480-AWI-SAB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. Patricia Mugrauer shall file a motion for costs and attorneys' fees on or by April 3, 2017;
 - b. Defendants shall file a response or opposition on or by April 10, 2017;
 - c. Patricia Mugrauer shall file a reply on or by April 17, 2017; and
3. This case remains open and on-going with respect to the claims made by Plaintiff Wade Mugrauer.

IT IS SO ORDERED.

Dated: February 10, 2017



SENIOR DISTRICT JUDGE