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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MELISSA M. NEYLON AND SHAWN P.
NEYLON,

Plaintiff,

v.

COUNTY OF INYO, WILLIAM R.
LUTZE, RALPH DOUGLAS RICHARDS,
MICHAEL DURBIN, and DOES 1 to 50,

Defendants.

CASE NO. 1:16-cv-00712-AWI-JLT

**JOINT STIPULATION TO TAKE JULY
16, 2018 SETTLEMENT CONFERENCE
OFF CALENDAR; [PROPOSED] ORDER**

(Doc. 81)

This Stipulation is entered into by and between Plaintiffs MELISSA M. NEYLON and Defendants COUNTY OF INYO; WILLIAM R. LUTZE; RALPH DOUGLAS RICHARDS; and MICHAEL DURBIN, through counsel of record. The Parties have conferred and agree that the Settlement Conferenced scheduled for July 16, 2018 be taken off calendar. The parties will revisit the issue following the Court’s ruling on the pending Motion for Summary Judgment.

1 Defendant filed a Motion for Summary Judgment on April 6, 2018. On May 9, 2018, the
2 Court took the matter under submission without oral argument. Previously, the Settlement
3 Conference was continued in anticipation of the filing of the Summary Judgment Motion. At that
4 time, the parties requested a date after the Motion was decided.

5 The parties have conducted preliminary settlement discussions in preparing for the
6 upcoming Settlement Conference and maintain vastly divergent views on both liability and
7 damages in this case. Indeed, based on the preliminary settlement discussions, the settlement
8 conference would not be very fruitful because of the pending Motion for Summary Judgment.
9 Therefore, the parties submit there exists good cause to take the Settlement Conference off calendar.

10 The parties are mindful of the Court's Order dated February 26, 2018 which continued the
11 expert discovery deadline in this case to May 8, 2018 and further ordered that no other amendments
12 to the case schedule are authorized. The parties respectfully submit that it does not affect the case
13 calendar to cancel the Settlement Conference. The parties seek to avoid unnecessary expenditure
14 of the Court's time and resources to conduct a Settlement Conference.

15 Accordingly, the parties stipulate to take off calendar the Settlement Conference scheduled
16 for July 16, 2018.

17 **IT IS SO STIPULATED.**

18 Dated: June 26, 2018

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By /s/Carl L. Fessenden
Carl L. Fessenden
Dan J. Bardzell
Attorneys for Defendants

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23 Dated: June 26, 2018

LAW OFFICE OF MARK E. MERIN

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By /s/Mark E. Merin (authorized 06/25/18)
Mark E. Merin
Paul H. Masuhara
Attorneys for Plaintiff MELISSA M.
NEYLON

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[PROPOSED] ORDER

Based upon the Stipulation of the parties:

- 1. The settlement conference scheduled for July 16, 2018 is VACATED.

IT IS SO ORDERED.

Dated: June 26, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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