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12 Attorneys for Defendants,
13 MOJAVE AIR AND SPACE PORT, a public entity
14 (erroneously sued and served as Mojave Air Space
15 Port and East Kern Airport District), STUART
16 WITT, and KEVIN WOJTKIEWICZ

17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**

19 ERNEST DEAN SOEST;

20 Plaintiff,

21 vs.

22 MOJAVE AIR AND SPACE PORT;
23 EAST KERN AIRPORT DISTRICT;
24 STUART WITT; Kevin Wojtkiewicz; and
25 DOES 1-100, Inclusive.

26 Defendants.

Case No. 1:16-cv-01334 JLT

**STIPULATION TO STAY
ACTION; [PROPOSED] ORDER**

(Doc. 6)

27 IT IS HEREBY STIPULATED, BY AND BETWEEN ALL PARTIES to this
28 action, plaintiff Ernest Dean Soest (“Plaintiff” or “Soest”) and defendants MOJAVE
AIR AND SPACE PORT, a public entity (erroneously sued and served as Mojave
Air Space Port and East Kern Airport District), STUART WITT, and KEVIN
WOJTKIEWICZ (“Defendants”), by and through their attorneys of record, as
follows:

1 WHEREAS, in Kern County Superior Court, East Division, Mojave Branch, in
2 the matter *The People of the State of California vs. Ernest Dean Soest*, Case Nos.
3 MF011311 and MF010864, Plaintiff has entered into a Stipulation Regarding
4 Disposition of Property, an F-100, tail #53-1688 (hereafter “F-100”) and the Court
5 has executed an Order dated September 15, 2016 pursuant to that Stipulation
6 (hereafter “F-100 Stipulation and Order”). A true and correct copy of this F-100
7 Stipulation and Order are attached hereto as Exhibit “A.”

8 WHEREAS this F-100 Stipulation and Order regarding the “transportation,
9 restoration, and placement of the F-100” states, in part, that a hearing to determine
10 the status of the work is set for May 8, 2017 at 9:00 a.m. in Department A of the
11 Kern County Superior Court, Mojave Branch.

12 WHEREAS Plaintiff, in pro persona, has also brought a civil action in Kern
13 County Superior Court, Case No. BCV-15-100851, titled *Ernest Dean Soest vs.*
14 *Mojave Air Space Port, East Kern Airport District, County of Kern, Stuart Witt,*
15 *Kevin Wojtkiewicz*, which is both on appeal in the Fifth Appellate District, Case No.
16 F073496 against Mojave Air Space Port, Stuart Witt, and Kevin Wojtkiewicz, and
17 still active against Kern County in trial court, and which contains allegations
18 regarding his work on the F-100 and regarding Case Nos. MF011311 and
19 MF010864.

20 WHEREAS Plaintiff’s Complaint herein contains allegations regarding his
21 work on the F-100 and allegations arising from Case Nos. MF011311 and
22 MF010864.

23 WHEREAS Counsel for Defendants sent September 30, 2016 correspondence
24 to Counsel for Plaintiff to meet and confer regarding the deficiencies of his
25 Complaint in the above-captioned action. (hereafter “Meet and Confer
26 Correspondence.”) A true and correct copy of this September 30, 2016
27 correspondence is attached hereto as Exhibit “B.”

28 WHEREAS Counsel for both Defendants and Plaintiffs have agreed that in the

1 event the Court does not agree to stay this action, any responsive pleading by
2 Defendants to Plaintiff's Complaint herein, shall not be due until 15 days after the
3 Court's denial of this Proposed Order.

4 **IT IS THEREFORE STIPULATED AND AGREED BY THE PARTIES**
5 **THAT:**

- 6 1. This action will be stayed, for at least nine months, pending placement of
7 the F-100 (consistent with and as set forth in the "F-100 Stipulation and
8 Order") and the Kern County Superior Court, Mojave Branch's May 8,
9 2017 hearing to determine the status of the work.
- 10 2. That all current deadlines and status conferences in the above-captioned
11 action be vacated and reset following the lifting of the stay in this matter.
- 12 3. Plaintiff will file and serve a first amended complaint in this action within
13 30 days of the F-100 placement to address the issues raised in the Meet and
14 Confer Correspondence.

15 **IT IS SO STIPULATED.**

16 Dated: October 20, 2016

LAW OFFICES OF OLAF LANDSGAARD

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By: _____

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Olaf Landsgaard,
Attorney for Plaintiff,
ERNEST DEAN SOEST

20

21 Dated: October 20, 2016

CUNNINGHAM SWAIM, LLP

22

23

By: _____

24

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[PROPOSED] ORDER

Based upon the stipulation of the parties and good cause appearing, the Court

ORDERS:

- 1. This action is STAYED;
- 2. No later than May 19, 2017, counsel SHALL file a joint report detailing the status of the placement of the F-100;
- 3. All case deadlines are STAYED;
- 4. Plaintiff may file a first amended complaint in this action within 30 days of the F-100 placement, which will address the issues raised in the Meet and Confer Correspondence.

IT IS SO ORDERED.

Dated: October 20, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE