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ATTORNEYS FOR Plaintiff, Dominic Elliott, a minor, by and through his Guardian Ad Litem, Sophia Elliott, and Sophia Elliott, Individually

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIC ELLIOTT, a minor, by and through his Guardian Ad Litem, SOPHIA ELLIOTT, and SOPHIA ELLIOTT, Individually,

Plaintiffs,

vs.

DEPUTY ANDRES SOLIS; COUNTY OF FRESNO; ROBERT ROSS; PATRICK J. McCOMB, dba DRIVE AMERICA; and DOES 1 through 50, Inclusive,

Defendants.

Case No.: 1:17-cv-01214-LJO-SAB

APPLICATION FOR ORDER CONTINUING HEARING ON DEFENDANT’S MOTION FOR SUMMARY JUDGEMENT AND STIPULATION THEREON AND ORDER GRANTING REQUEST IN PART

IT IS HEREBY STIPULATED by and between attorneys for the respective clients that the hearing on Defendant, PATRICK J. McCOMB, dba DRIVE AMERICA’s, Motion for Summary Judgement currently scheduled for April 25, 2019 at 8:30 a.m., be continued to May 23, 2019, at 8:30 a.m., or as soon thereafter is convenient with the court’s calendar.

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IT IS FURTHER STIPULATED and agreed by and between the parties that the dates for filing oppositions and reply’s to the motion shall be continued in accordance with the new hearing date.

The reason for this request is that counsel for Plaintiff has a previously scheduled out-of-state vacation from April 9, 2019 through April 14, 2019. As presently scheduled, Plaintiff’s Opposition to the Motion for Summary Judgement is due on April 11, 2019, while counsel is out of State.

Dated: April 5, 2019. NUTTALL COLEMAN & DRANDELL

/s/ Mark W. Coleman
MARK W. COLEMAN
Attorney for Plaintiff
DOMINIC ELLIOT

Dated: April 5, 2019. ERICKSEN ARBUTHNOT

/s/ Michael E. Lehman
MICHAEL E. LEHMAN
Attorney for Defendant,
DRIVE AMERICA

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ORDER

The trial in this case is set for July 3, 2019 and the pretrial conference for June 19, 2019. No Party presents good cause to continue either of those dates. In order to provide the Court with sufficient time to review and rule on Defendant's Motion for Summary Judgement and, in turn, provide the Parties' with time to incorporate that ruling into their joint pretrial conference statement, it is not possible to accommodate the Parties' stipulation to continue the hearing on the pending motions to May 23, 2019. Instead, the hearing on the Motion for Summary Judgement currently scheduled for April 25, 2019 at 8:30 a.m., is continued to May 9, 2019, at 8:30 a.m. The dates for filing oppositions and replies to the motion shall be continued in accordance with the new hearing date.

IT IS SO ORDERED.

Dated: April 10, 2019

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE