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6 Attorneys for Plaintiffs  
 7 GEORGIA DEFILIPPO AND CHRISTINA DEFILIPPO

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 9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

12 GEORGIA DEFILIPPO AND CHRISTINA  
 DEFILIPPO,

13 Plaintiffs,

14 vs.

15 COUNTY OF STANISLAUS, CITY OF  
 16 MODESTO, CITY OF TURLOCK, CITY  
 OF CERES, BIRGIT FLADAGER,  
 17 MARLISSA FERREIRA, KIRK BUNCH,  
 STEVE JACOBSON, DALE LINGERFELT,  
 18 FROILAN MARISCAL, LLOYD  
 MACKINNON, JON EVERS, DEREK  
 19 PERRY, CORY BROWN, GREG JONES,  
 TIMOTHY REDD, KENNETH  
 20 BARRINGER, FRANK NAVARRO, and  
 DOES 1-10, inclusive,

21 Defendants.

Case No. 1:18-CV-00496-AWI-EPG

**STIPULATION AND ORDER TO  
 STAY CIVIL ACTION PENDING  
 RESOLUTION OF CRIMINAL  
 PROCEEDINGS**

(ECF No. 22)

22  
 23 Plaintiffs GEORGIA DEFILIPPO and CHRISTINA DEFILIPPO (collectively,  
 24 "Plaintiffs") and defendants COUNTY OF STANISLAUS, CITY OF MODESTO, CITY OF  
 25 TURLOCK, BIRGIT FLADAGER, MARLISSA FERREIRA, KIRK BUNCH, STEVE  
 26 JACOBSON, DALE LINGERFELT, FROILAN MARISCAL, LLOYD MACKINNON, JON  
 27 EVERS, CORY BROWN, GREG JONES, TIMOTHY REDD, KENNETH BARRINGER, and  
 28 FRANK NAVARRO (collectively, the "Parties"), through their respective counsel, hereby agree

1 and stipulate as follows:

2 1. Plaintiffs filed the complaint in this action on April 10, 2018.

3 2. A related criminal case involving some of the same facts and witnesses as the  
4 present action is pending in Stanislaus County Superior Court, which will implicate and hinder  
5 discovery in the present action.

6 3. On July 11, 2018, the Parties filed a Stipulation and Proposed Order Staying the  
7 Civil Action for ninety (90) days to allow resolution of the criminal matter.

8 4. The ninety (90) day Stay, which was signed by the Court on July 13, 2018, is set  
9 to expire, with the hearing on defendants City of Turlock, Timothy Redd, and Frank Navarro's  
10 ("Turlock Defendants") Motion to Dismiss set for October 1, 2018, and the Initial Scheduling  
11 Conference set for December 10, 2018.

12 5. However, the criminal case is still pending in the Stanislaus County Superior  
13 Court.

14 6. Accordingly, the Parties agree that the present action should be stayed for an  
15 additional ninety (90) days to allow resolution of the criminal case.

16 7. The hearing on the Turlock Defendants' Motion to Dismiss, presently set for  
17 October 1, 2018, at 1:30 p.m. before District Judge Anthony W. Ishii shall be vacated and reset  
18 to January 28, 2019, at 1:30 p.m.

19 8. The deadline for Defendants City of Modesto and Jon Evers ("Modesto  
20 Defendants") to file a responsive pleading to Plaintiffs' complaint shall be set to sixty (60) days  
21 after the stay is lifted.

22 9. The deadline for Defendants County of Stanislaus, Birgit Fladager, Marlissa  
23 Ferreira, Kirk Bunch, Steve Jacobson, Dale Lingerfelt, Froilan Mariscal, Llyod Mackinnon,  
24 Cory Brown, Greg Jones and Kenneth Barringer ("Stanislaus Defendants") to file a responsive  
25 pleading to Plaintiffs' complaint shall be set to sixty (60) days after the stay is lifted.

26 10. The initial mandatory scheduling conference set for December 10, 2018, at 10:00  
27 a.m. in Courtroom 10 before Magistrate Erica P. Grosjean shall be vacated and reset as soon as  
28 practicable after the parties notify the court that the criminal proceedings have been resolved.

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IT IS SO STIPULATED.

DATE: September 7, 2018

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

/s/ Robert J. Schwartz

J. Gary Gwilliam  
Randall E. Strauss  
Robert J. Schwartz  
Attorneys for Plaintiffs  
GEORGIA DEFILIPPO AND CHRISTINA  
DEFILIPPO

DATE: September 7, 2018

MEYERS NAVE RIBACK SILVER & WILSON

/s/ David Mehretu (as authorized on 09/11/2018)

Blake P. Loebs  
David Mehretu  
Robert S. Moutrie  
Attorneys for Defendants  
CITY OF MODESTO AND JON EVERS

DATE: September 7, 2018

ARATA, SWINGLE, VAN EGMOND & GOODWIN

/s/ Amanda J. Heitlinger (as authorized on 09/11/2018)

Bradley J. Swingle  
Amanda J. Heitlinger  
Attorneys for Defendants  
CITY OF TURLOCK, TIMOTHY REDD AND  
FRANK NAVARRO

DATE: September 7, 2018

PORTER SCOTT, APC

/s/ John R. Whitefleet (as authorized on 09/11/2018)

John R. Whitefleet  
Attorneys for Defendants  
COUNTY OF STANISLAUS, BIRGIT FLADAGER,  
MARLISSA FERREIRA, KIRK BUNCH, STEVE  
JACOBSON, DALE LINGERFELT, FROILAN  
MARISCAL, LLOYD MACKINNON, CORY  
BROWN, GREG JONES AND KENNETH  
BARRINGER

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**ORDER**

Pursuant to the stipulation of the parties (ECF No. 22), and a finding of good cause, IT IS ORDERED:

1. The present action shall be stayed for an additional ninety (90) days.
2. The hearing on defendants City of Turlock, Timothy Redd, and Frank Navarro’s Motion to Dismiss, presently set for October 1, 2018, at 1:30 p.m. before District Judge Anthony W. Ishii shall be vacated and reset to January 28, 2019, at 1:30 p.m. or as soon thereafter as counsel may be heard.
3. The deadline for Defendants City of Modesto and Jon Evers to file a responsive pleading to Plaintiffs’ complaint shall be set to sixty (60) days after the stay is lifted.
4. The deadline for Defendants County of Stanislaus, Birgit Fladager, Marlissa Ferreira, Kirk Bunch, Steve Jacobson, Dale Lingerfelt, Froilan Mariscal, Llyod Mackinnon, Cory Brown, Greg Jones, and Kenneth Barringer (“Stanislaus Defendants”) to file a responsive pleading to Plaintiffs’ complaint shall be set to sixty (60) days after the stay is lifted.
5. The initial mandatory scheduling conference set for December 10, 2018, at 10:00 a.m. in Courtroom 10 before Magistrate Erica P. Grosjean shall be vacated and reset as soon as practicable after the parties notify the court that the criminal proceedings have been resolved.

**IT IS SO ORDERED.**

Dated: September 12, 2018

/s/ Erica P. Grosjean  
UNITED STATES MAGISTRATE JUDGE