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14 Attorneys for Plaintiffs
 15 GEORGIA DEFILIPPO AND CHRISTINA DEFILIPPO

16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA

18 GEORGIA DEFILIPPO AND CHRISTINA
 19 DEFILIPPO,

20 Plaintiffs,

21 vs.

22 COUNTY OF STANISLAUS, CITY OF
 23 MODESTO, CITY OF TURLOCK, CITY
 24 OF CERES, BIRGIT FLADAGER,
 25 MARLISSA FERREIRA, KIRK BUNCH,
 26 STEVE JACOBSON, DALE LINGERFELT,
 27 FROILAN MARISCAL, LLOYD
 28 MACKINNON, JON EVERS, DEREK
 PERRY, CORY BROWN, GREG JONES,
 TIMOTHY REDD, KENNETH
 BARRINGER, FRANK NAVARRO, and
 DOES 1-10, inclusive,

Defendants.

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

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

(ECF No. 35)

Plaintiffs GEORGIA DEFILIPPO and CHRISTINA DEFILIPPO (collectively,
 “Plaintiffs”) and defendants COUNTY OF STANISLAUS, CITY OF MODESTO, CITY OF
 TURLOCK, BIRGIT FLADAGER, MARLISSA FERREIRA, KIRK BUNCH, STEVE
 JACOBSON, DALE LINGERFELT, FROILAN MARISCAL, LLOYD MACKINNON, JON

1 EVERS, CORY BROWN, GREG JONES, TIMOTHY REDD, KENNETH BARRINGER, and
2 FRANK NAVARRO (collectively, the “Parties”), through their respective counsel, hereby agree
3 and stipulate as follows:

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

5 2. Related criminal cases of two C.H.P. officers involving some of the same facts
6 and witnesses as the present action are pending in Stanislaus County Superior Court, which will
7 implicate and hinder discovery in the present action.

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

10 4. On September 12, 2018, the Parties filed a Second Stipulation and Proposed
11 Order Staying the Civil Action for ninety (90) days to allow resolution of the criminal matter.

12 5. On January 2, 2019, the Parties filed a Third Stipulation and Proposed Order
13 Staying the Civil Action for ninety (90) days to allow resolution of the criminal matter.

14 6. On March 26, 2019, the Parties filed a Fourth Stipulation and Proposed Order
15 Staying the Civil Action for ninety (90) days to allow resolution of the criminal matter.

16 7. On June 24, 2019, the Parties filed a Fifth Stipulation and Proposed Order Staying
17 the Civil Action for ninety (90) days to allow resolution of the criminal matter.

18 8. The ninety (90) day Stay, which was signed by the Court on June 26, 2019, is set
19 to expire, with the hearing on defendants City of Turlock, Timothy Redd, and Frank Navarro’s
20 (“Turlock Defendants”) Motion to Dismiss set for December 2, 2019.

21 9. However, the related criminal cases of two C.H.P. officers are still pending in the
22 Stanislaus County Superior Court.

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

25 11. The hearing on the Turlock Defendants’ Motion to Dismiss, presently set for
26 December 2, 2019, at 1:30 p.m. before District Judge Anthony W. Ishii shall be vacated and reset
27 to March 2, 2020, at 1:30 p.m. or will be held on _____.

28 12. The deadline for Defendants City of Modesto, Jon Evers, County of Stanislaus,

1 Birgit Fladager, Marlissa Ferreira, Kirk Bunch, Steve Jacobson, Dale Lingerfelt, Froilan
2 Mariscal, Lloyd Mackinnon, Cory Brown, Greg Jones and Kenneth Barringer to file a responsive
3 pleading to Plaintiffs' complaint shall be set to sixty (60) days after the stay is lifted.

4 13. The initial mandatory scheduling conference will be set for as soon as practicable
5 after the parties notify the court that the criminal proceedings have been resolved.

6 IT IS SO STIPULATED.

7 DATE: June 24, 2019

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

8 /s/ Randall E. Strauss

9 _____
10 J. Gary Gwilliam
11 Randall E. Strauss
12 Robert J. Schwartz
13 Jayme L. Walker
14 Attorneys for Plaintiffs
15 GEORGIA DEFILIPPO AND CHRISTINA
16 DEFILIPPO

14 DATE: June 24, 2019

MEYERS NAVE RIBACK SILVER & WILSON

15 /s/ David Mehretu (as authorized on 9/23/2019)

16 _____
17 Deborah J. Fox
18 David Mehretu
19 Attorneys for Defendants
20 CITY OF MODESTO AND JON EVERS

19 DATE: June 24, 2019

ARATA, SWINGLE, VAN EGMOND & GOODWIN

20 /s/ Bradley J. Swingle (as authorized on 9/23/2019)

21 _____
22 Bradley J. Swingle
23 Amanda J. Heitlinger
24 Attorneys for Defendants
25 CITY OF TURLOCK, TIMOTHY REDD AND
26 FRANK NAVARRO

28

1 DATE: June 24, 2019

PORTER SCOTT, APC

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/s/ John R. Whitefleet (as authorized on 9/23/2019)

John R. Whitefleet
Attorneys 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

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ORDER

1. Pursuant to the Parties' stipulation (ECF No. 35), and finding good cause exists, the present action shall be stayed for ninety (90) days.

2. The hearing on defendants City of Turlock, Timothy Redd, and Frank Navarro's Motion to Dismiss, presently set for December 2, 2019, at 1:30 p.m. before District Judge Anthony W. Ishii shall be vacated and reset to **March 2, 2020, at 1:30 p.m.** or as soon thereafter as counsel may be heard.

3. The deadline for Defendants City of Modesto, Jon Evers, County of Stanislaus, Birgit Fladager, Marlissa Ferreira, Kirk Bunch, Steve Jacobson, Dale Lingerfelt, Froilan Mariscal, Lloyd Mackinnon, Cory Brown, Greg Jones and Kenneth Barringer to file a responsive pleading to Plaintiffs' complaint, will be reset to sixty (60) days after the stay is lifted.

4. The initial mandatory scheduling conference in Courtroom 10 before Magistrate Erica P. Grosjean shall be set as soon as practicable after the parties notify the court that the criminal proceedings have been resolved.

IT IS SO ORDERED.

Dated: **September 23, 2019**

/s/ Erica P. Grosjean
UNITED STATES MAGISTRATE JUDGE