

1 Whitney, Thompson & Jeffcoach LLP
Marshall C. Whitney, #82952
2 Mandy L. Jeffcoach, #232313
8050 N. Palm Avenue, Suite 110
3 Fresno, California 93711
Telephone: (559) 753-2550
4 Facsimile: (559) 753-2560

5 Attorneys for Plaintiff CALIFORNIA CLOVIS, LLC
6
7

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 CALIFORNIA CLOVIS, LLC, a Delaware
limited liability company,

11 Plaintiff,

12 v.

13 SIERRA VISTA REALTY LLC, a California
14 limited liability company; SIERRA VISTA CH
15 LLC, a California limited liability company;
16 SIERRA VISTA NASSIM LLC, a California
limited liability company; and DOES 1 through 25,
inclusive,

17 Defendants.
18

Case No. 1:19-cv-00962-NONE-SKO

**STIPULATION TO AMEND
OPPOSITION AND REPLY DATES
FOR MOTION FOR SUMMARY
JUDGMENT AND ~~PROPOSED~~
ORDER**

19 WHEREAS, the Court issued a Scheduling Order on November 7, 2019, pursuant to Federal
20 Rule of Civil Procedure 16 (Dkt. 22);

21 WHEREAS, on May 4, 2020, the Court modified the scheduling order given the ongoing
22 impact of the pandemic (Dkt. 32);

23 WHEREAS, on August 11, 2020, the parties filed a stipulation to amend the scheduling order
25 based on Plaintiff's principal's advanced cancer diagnosis and related treatment, which rendered him
26 unable to sit for a deposition until mid to late October of 2020 and unable to travel (Dkt. 35);

27 WHEREAS, on August 13, 2020, the Court entered an amended scheduling order to
28 accommodate Plaintiff's principal's condition and treatment. The Court also set the trial date for
June 29, 2021 (Dkt. 36);

1 WHEREAS, on November 6, 2020, the Court entered an amended scheduling order to allow
2 the parties to complete depositions in this matter and to ensure that the trial date in this matter does
3 not conflict with one of Defendants' lead trial attorney's expected maternity leave (Dkt. 41);

4 WHEREAS, on March 19, 2021, the Court entered an amended scheduling order with respect
5 to the deadline for the parties to file their dispositive motions in this case (Dkt. 43);

6 WHEREAS, on March 30, 2021, the Court entered an amended scheduling order with respect
7 to the deadline for the parties to file their dispositive motions in this case (Dkt. 46);

8 WHEREAS, on April 2, 2021, Defendants filed their Motion for Summary Judgment and
9 Plaintiff's opposition is presently due on May 5, 2021;

10 WHEREAS, on April 27, 2021, Plaintiff's counsel learned that her client's principal was
11 involved in a serious accident and has been hospitalized. As Plaintiff's principal, Brad Hoyt, is
12 necessary to complete the Opposition and his present date of discharge is anticipated to be sometime
13 during the week of May 3-7, 2021. Given the dispositive nature of the pending motion, Mr. Hoyt
14 needs to be able to review the opposition and submit a timely declaration;

15 WHEREAS the parties submit that the above matters constitute good cause to extend the
16 deadlines relevant to the dispositive motions by ten (10) days;

17 WHEREAS, the parties stipulate and respectfully request that the Court enter the following
18 amended scheduling order in the above-referenced case:

- 19 1. Plaintiff's Opposition to the dispositive shall be filed on or before May 14,
20 2021;
- 21 2. Defendants' Reply shall be due on or before May 26, 2021;
- 22 3. A hearing on the dispositive motion shall take place on June 2, 2021¹.

2
25
26
27
28

¹ Undersigned counsel understand that, pursuant to this Court's *Order Unassigning District Judge* (ECF No. 27) and the accompanying *Standing Order in Light of Ongoing Judicial Emergency in the Eastern District of California* (ECF No. 27-1), no hearing will be held on any non-dispositive or dispositive motion absent a further order of this Court. (See ECF No. 27-1 at § B.) The parties nonetheless provide the hearing date contained herein, which they understand will govern the briefing schedule pursuant to Local Rule 230.

1
2
3 Dated: April 28, 2021

DUANE MORRIS LLP

4 By: /s/ Elinor H. Murarova

5 Elinor H. Murarova
6 Allison M. Midei
7 Meagen E. Leary
8 B. Alexandra Jones
9 Attorneys for COMM 2006-C8 SHAW AVENUE
10 CLOVIS LLC and LNR PARTNERS
11 CALIFORNIA MANAGER, LLC

12
13 Dated: April 28, 2021

WHITNEY, THOMPSON & JEFFCOACH LLP

14 By: /s/ Mandy L. Jeffcoach

15 Marshall C. Whitney
16 Mandy L. Jeffcoach
17 Attorneys for CALIFORNIA CLOVIS, LLC

18 **~~PROPOSED~~ ORDER**

19 Good cause having been shown (*see* Fed. R. Civ. P. 16(b)(4)), the parties' joint request to
20 modify the case schedule (Doc. No. 46) is GRANTED as follows:

21 **Dispositive Motion Deadlines:**

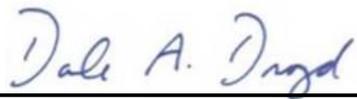
22 Opposition filing: May 14, 2021

23 Reply filing: May 26, 2021

24 All other dates in the case (*see* Doc. No. 41) shall remain in place.

25 IT IS SO ORDERED.

26 Dated: April 28, 2021

27 
28 DALE A. DWYER
UNITED STATES DISTRICT JUDGE