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 12 Attorneys for Defendants
 ESA P PORTFOLIO, LLC and ESA
 13 MANAGEMENT, LLC

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

17 MICHAEL PATTON,
 18 Plaintiff,
 19 vs.
 20 EXTENDED STAY AMERICA, INC., ESA P
 PORTFOLIO, L.L.C., ESA P PORTFOLIO
 21 OPERATING LESSEE, INC., ESA
 MANAGEMENT, LLC and DOES 1 – 50,
 22 Defendants.
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Case No. 1:20-cv-01498-ADA-SKO
**STIPULATION AND ORDER TO
 CONTINUE TRIAL, PRETRIAL, and
 SETTLEMENT CONFERENCE DATES**
 (Doc. 86)
 Trial Date: March 14, 2023

24 Comes now Plaintiff Michael Patton and Defendants ESA Portfolio, LLC and ESA
 25 Management, LLC by and through their respective counsel of record and stipulate to an order
 26 continuing the trial date and the pretrial conference based upon the following good cause.

27 WHEREAS the court has scheduled the following dates:

- 28 1. Final Pretrial Conference: January 23, 2023 at 02:30 p.m.;



- 1 2. Status Conference: February 8, 2023 at 4:00 p.m.;
- 2 3. Settlement Conference: February 16, 2023 at 10:30 a.m.; and
- 3 4. Jury Trial: March 14, 2023 at 8:30 a.m.

4 On September 23, 2021 Charles S. Painter of the law firm of Ericksen Arbuthnot was retained
5 as lead trial counsel to represent the defendants in this action. Charles S. Painter had been an equity
6 partner in that law firm for 38 years. Ericksen Arbuthnot has been in business for almost 80 years.
7 Ericksen Arbuthnot is now in the process of dissolving and appointing a trustee to manage the
8 dissolution of Ericksen Arbuthnot. Ericksen Arbuthnot has ceased doing business on December 31,
9 2022. In the summer of last year, Charles S. Painter determined that it was in the best interest of his
10 clients and himself that he resign from Ericksen Arbuthnot. Charles S. Painter resigned from Ericksen
11 Arbuthnot in August of this year and in September of this year Charles S. Painter accepted a position
12 as a partner with the law firm of Lewis Brisbois Bisgaard Smith LLP. Mr. Painter transitioned his
13 entire team and approximately 100 active litigation files to Lewis Brisbois. This transition process
14 has been complicated by the fact that Ericksen Arbuthnot is in the process of dissolving and has
15 ceased operation. The transition has been extremely time consuming, challenging and complicated.

16 WHEREAS attorney Charles S. Painter has been the lead counsel handling all of the
17 discovery, almost all of the depositions and managing all of this litigation since September 23, 2021.

18 WHEREAS after the transfer to Lewis Brisbois, Charles Painter and his staff just recently
19 discovered issues with respect to the electronic transfer from Ericksen Arbuthnot to Lewis Brisbois
20 of pivotal portions of this file which makes preparing a Joint Pre-Trial Statement extremely difficult,
21 in part because the Ericksen Arbuthnot firm ceased operation as of December 31, 2022.

22 WHEREAS Rebecca Menendez, one of defendant's counsel, tested for positive for COVID
23 in September during the transition to Lewis Brisbois, and again, tested positive on November 22,
24 2022 and thereafter developed complications and was on sick leave and/or worked a modified
25 schedule until the new year.

26 WHEREAS lead counsel, Charles Painter, was engaged in preparation for a multi-million
27 dollar trial. The trial was from November 30 through December 7, 2022 in Los Angeles County
28 Superior Court.

