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11 Attorneys for Defendant
 12 CITY OF DAVIS

13 **UNITED STATES DISTRICT COURT**
 14 **EASTERN DISTRICT OF CALIFORNIA**

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16 CHARLES H. LEWIS AND JANE W.
 17 LEWIS,

18 Plaintiffs,

19 v.

20 ROBERT D. RUSSELL, ET AL.,

21 Defendants,

Case No.: CIV S-03-2646 WBS AC

**STIPULATION TO CONTINUE
 THE HEARING ON THE CITY OF
 DAVIS'S MOTION TO COMPEL AND
 FOR SANCTIONS AS TO
 THE DAVIS CENTER;**

[PROPOSED] ORDER

[LR 144]

Hearing Date: December 14, 2016
 New Date: January 25, 2017
 Time: 10:00 a.m.
 Courtroom: 26, 8th Floor
 Magistrate Judge: Hon. Allison Claire

26 AND RELATED COUNTER, CROSS AND
 27 THIRD PARTY CLAIMS.

28 00013941.1

1 **STIPULATION**

2 Defendant, The City of Davis (the “City”), and Defendant/Cross-Complainants/Third
3 Party Plaintiffs THE DAVIS CENTER LLC; EMILY STOVER, Individually, and as Trustee of
4 the STOVER FAMILY TRUST and as Personal Representative for Melvin Stover (Deceased);
5 and RICHARD ALBERT STINCHFIELD, Individually and as Trustee of the ROBERT S.
6 STINCHFIELD SEPARATE REAL PROPERTY TRUST and as Trustee of the BARBARA
7 ELLEN STINCHFIELD TESTAMENTARY TRUST (“The Davis Center”), (collectively, the
8 “Parties”), by and through their respective counsel, hereby stipulate as follows:

9 WHEREAS, the City noticed a Motion to Compel and for Sanctions (“Motion”), as to The
10 Davis Center which is set for hearing before the Honorable Allison Claire on December 14, 2016;

11 WHEREAS, the City’s Motion seeks an order from the Court compelling The Davis
12 Center to produce a prepared witness for the City to depose, pursuant to Federal Rule of Civil
13 Procedure rule 30(b)(6) (“Rule 30(b)(6)”), by the discovery cutoff deadline of September 21,
14 2016;

15 WHEREAS, on September 21, 2016, The Davis Center produced for deposition its Rule
16 30(b)(6) designated witness in Woodland Hills, California;

17 WHEREAS, the City’s Motion also seeks an order for sanctions as to The Davis Center;

18 WHEREAS, this is the fourth request for continuance of the hearing on the City’s Motion;

19 WHEREAS, the City and The Davis Center have been engaged in good faith settlement
20 negotiations in an effort to reach a mutually agreeable resolution and avoid the need for a hearing
21 on the City’s Motion. The Parties, therefore, stipulate to continue the hearing on the City’s
22 Motion to a new date of January 25, 2017 at 10:00 a.m., or at such date and time that is
23 convenient for the Court;

24 WHEREAS, the Parties stipulate that all deadlines and/or requirements applicable to the
25 City’s Motion pursuant to the Federal Rules of Civil Procedure or Local Rules shall run from the
26 new hearing date;

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NOW THEREFORE, the Parties hereby stipulate to the recitals set forth directly above.

Dated: December 6, 2016

Respectfully submitted,

KING WILLIAMS LLP

By: /s/ Jennifer Hartman King
Jennifer Hartman King
Attorneys for Defendant
CITY OF DAVIS

Dated: December 6, 2016

Respectfully submitted,

KOELLER, NEBEKER,
CARLSON & HALUCK, LLP

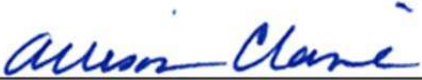
By: /s/ Peter W. Dye
Peter W. Dye
Attorneys for THE DAVIS CENTER
LLC; EMILY STOVER,
Individually, and as Trustee of the
STOVER FAMILY TRUST and as
Personal Representative for Melvin
Stover (Deceased); and RICHARD
ALBERT STINCHFIELD,
Individually and as Trustee of the
ROBERT S. STINCHFIELD
SEPARATE REAL PROPERTY
TRUST and as Trustee of the
BARBARA ELLEN STINCHFIELD
TESTAMENTARY TRUST

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation,

IT IS SO ORDERED.

Dated: December 7, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE