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 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: March 1, 2017
 New Date: May 10, 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 00014778.1

STIPULATION

1
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, and a hearing was set before the Honorable Allison Claire on March 1, 2017;

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, the hearing date for the City’s Motion has been continued five times;

19 WHEREAS, the City and The Davis Center, along with the other participating parties in
20 this matter, believe they have reached agreement on the major terms of a settlement, but require
21 time to draft settlement documents and secure approval of those terms, a process that is likely to
22 require at least another four weeks;

23 WHEREAS, the City and The Davis Center agree that additional time is necessary to
24 finalize the settlement documents and avoid the need for a hearing on the City’s Motion. The
25 Parties, therefore, stipulate to continue the hearing on the City’s Motion to a new date of May 10,
26 2017, at 10:00 a.m., or at such date and time that is convenient for the Court;

27 WHEREAS, the Parties stipulate that all deadlines and/or requirements applicable to the
28 City’s Motion pursuant to the Federal Rules of Civil Procedure or Local Rules shall run from the

1 new hearing date;

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

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4 Dated: February 22, 2017

Respectfully submitted,

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KING WILLIAMS LLP

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By: /s/ Jennifer Hartman King

Jennifer Hartman King

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Attorneys for Defendant

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CITY OF DAVIS

10 Dated: February 22, 2017

Respectfully submitted,

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KOELLER, NEBEKER,

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CARLSON & HALUCK, LLP

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By: /s/ Peter W. Dye (as authorized February 22, 2017)

Peter W. Dye

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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

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[PROPOSED] ORDER

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Pursuant to the foregoing Stipulation,

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IT IS SO ORDERED.

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Dated: February 23, 2017



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ALLISON CLAIRE

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UNITED STATES MAGISTRATE JUDGE

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