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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: June 21, 2017
 New Date: August 23, 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 00016112.7

1 **STIPULATION**

2 Counter Claimant, The City of Davis (the “City”), and Counter Claimants The Davis
3 Center, LLC; Emily A. Stover, individually and as Trustee of the Stover Family Trust and as
4 Personal Representative for Melvin Stover (Deceased); and Richard Albert Stinchfield,
5 individually and as Trustee of the Robert S. Stinchfield Separate Real Property Trust and as
6 Trustee of the Barbara Ellen Stinchfield Testamentary Trust (collectively, the “Landowners”),
7 (the City and the Landowners are referred to collectively herein as the “Parties”), by and through
8 their respective counsel, hereby stipulate as follows:

9 WHEREAS, the City noticed a Motion to Compel and for Sanctions (“Motion”) (Docket
10 No. 498), as to the Landowners, and a hearing was set before the Honorable Allison Claire and
11 most recently continued to June 21, 2017 (Docket No. 521);

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

15 WHEREAS, on September 21, 2016, the Landowners 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 Landowners;

18 WHEREAS, the hearing date for the City’s Motion has been continued seven times;

19 WHEREAS, the City and the Landowners, along with the other participating parties in
20 this matter, have reached agreement on the major terms of settlement;

21 WHEREAS, settlement agreement documents are pending review and approval by the
22 regulatory oversight agency, the California Regional Water Quality Control Board, Central
23 Valley Region (“CVRWQCB”);

24 WHEREAS, the City and the Landowners agree that additional time is necessary to secure
25 the CVRWQCB’s approval of settlement agreement documents and avoid the need for a hearing
26 on the City’s Motion. The Parties, therefore, stipulate to continue the hearing on the City’s
27 Motion to a new date of August 23, 2017, at 10:00 a.m., or at such date and time that is
28 convenient for the Court;

1 WHEREAS, the Parties stipulate that all deadlines and/or requirements applicable to the
2 City's Motion pursuant to the Federal Rules of Civil Procedure or Local Rules shall run from the
3 new hearing date;

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

5
6 Dated: June 15, 2017

Respectfully submitted,

7 KING WILLIAMS LLP

8
9 By: /s/ Jennifer Hartman King
10 Jennifer Hartman King
11 Attorneys for Counter Claimant City of Davis

12 Dated: June 15, 2017

Respectfully submitted,

13 KOELLER, NEBEKER,
14 CARLSON & HALUCK, LLP


15 By: /s/ Peter W. Dye (as authorized on June 15, 2017)
16 Peter W. Dye
17 Attorneys for Counter Claimants The Davis Center, LLC;
18 Emily A. Stover, individually and as Trustee of the Stover
19 Family Trust and as Personal Representative for Melvin
20 Stover (Deceased); and Richard Albert Stinchfield,
21 individually and as Trustee of the Robert S. Stinchfield
22 Separate Real Property Trust and as Trustee of the Barbara
23 Ellen Stinchfield Testamentary Trust

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[PROPOSED] ORDER

Pursuant to the foregoing Stipulation,
IT IS SO ORDERED.

Dated: June 16, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE