

JENNIFER HARTMAN KING (Bar No. 211313)  
ALANNA C. LUNGREN (Bar No. 269668)  
TYLER BOWLIN (Bar No. 305715)  
KING WILLIAMS LLP  
520 Capitol Mall, Suite 750  
Sacramento, CA 95814  
Telephone: (916) 379-7530  
Facsimile: (916) 379-7535  
JHartmanKing@KingWilliamsLaw.com  
ALungren@KingWilliamsLaw.com  
TBowlin@KingWilliamsLaw.com

BEST, BEST & KRIEGER LLP  
HARRIET A. STEINER (Bar No. 109436)  
500 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Telephone: (916) 325-4000  
Facsimile: (916) 325-4010  
Harriet.Steiner@bbklaw.com

Exempt From Filing Fees Pursuant To  
Government Code Section 6103

Attorneys for Counter Claimant  
CITY OF DAVIS

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

CHARLES H. LEWIS AND JANE W.  
LEWIS,

Plaintiffs,

v.

ROBERT D. RUSSELL, ET AL.,

Defendants,

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

**STIPULATION TO SUBSTITUTE  
PARTY FOR CHARLES H. LEWIS  
(DECEASED) AND JANE W. LEWIS  
(DECEASED);**

**[PROPOSED] ORDER**

**[Fed. R. Civ. P. 25, Cal. Prob. Code 9370  
and Cal. Prob. Code 500 *et seq.*]**

AND RELATED COUNTER, CROSS AND  
THIRD-PARTY CLAIMS.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

WHEREAS, on May 25, 2017, the City filed and served a creditor's claim regarding claims arising out of this Action against Charles H. Lewis, in compliance with Section 9390 of

1 the California Probate Code;

2 WHEREAS, on June 1, 2017, Robert Zehnder, as Personal Representative of Charles H.  
3 Lewis, notified the City of his rejection of the City's above-referenced creditor's claim;

4 WHEREAS, Robert Zehnder, as Personal Representative of Charles H. Lewis, hereby  
5 acknowledges actual notice of this Action and subjects himself to the jurisdiction of this Court in  
6 this Action;

7 WHEREAS, the Non-Probate Parties have not filed and served a creditor's claim against  
8 Charles H. Lewis pursuant to Section 9390 of the California Probate Code;

9 WHEREAS, the Probate Parties and the Non-Probate Parties have counter claims pending  
10 in this Action against Lewis; and

11 WHEREAS, Lewis dismissed with prejudice all claims previously asserted in the Action  
12 against the Probate Parties and the Non-Probate Parties on or about December 19, 2013 (Docket  
13 No. 469).

14 NOW THEREFORE, the Probate and Non-Probate Parties hereby stipulate as follows:

- 15 1. Robert Zehnder, as Personal Representative of Charles H. Lewis, is substituted as a  
16 party to this Action in place of Charles H. Lewis (Deceased) and Jane W. Lewis  
17 (Deceased) for purposes of the City's counter claims against Lewis only.
- 18 2. The Estate of Charles H. Lewis (Deceased) is substituted as a party to this Action in  
19 place of Charles H. Lewis (Deceased) and Jane W. Lewis (Deceased) for purposes of  
20 the Non-Probate Parties' respective counter claims against Lewis only.

21  
22 Dated: June 23, 2017

Respectfully submitted,

23 Schuering Zimmerman & Doyle, LLP

24  
25 /s/ Keith D. Chidlaw (as authorized on June 19, 2017)  
Keith Chidlaw

26 Attorneys for Counter Defendants Charles H. Lewis  
27 (Deceased) and Jane W. Lewis (Deceased), Robert Zehnder,  
28 as Personal Representative of Charles H. Lewis, and Estate  
of Charles H. Lewis (Deceased)

1  
2 Dated: June 23, 2017

Respectfully submitted,

3 King Williams LLP

4  
5 /s/ Jennifer Hartman King

Jennifer Hartman King

6 Attorneys for Counter Claimant City of Davis  
7

8 Dated: June 23, 2017

Respectfully submitted,

9 KOELLER, NEBEKER, CARLSON & HALUCK, LLP

10  
11 /s/ Peter Dye (as authorized on June 22, 2017)

Peter Dye

12 Attorneys for Counter Claimants The Davis Center, LLC;  
13 Emily A. Stover, individually and as Trustee of the Stover  
14 Family Trust and as Personal Representative for Melvin  
15 Stover (Deceased); and Richard Albert Stinchfield,  
16 individually and as Trustee of the Robert S. Stinchfield  
17 Separate Real Property Trust and as Trustee of the Barbara  
18 Ellen Stinchfield Testamentary Trust

19  
20 Dated: June 23, 2017

Respectfully submitted,

21 Law Offices of Francis M. Goldsberry

22  
23 /s/ Francis M. Goldsberry (as authorized on June 19, 2017)

Francis M. Goldsberry III


24 Attorneys for Counter Claimants Potter-Taylor & Co.;  
25 Potter, Long, Adams & Taylor, Ltd.; Davis Center; Potter-  
26 Taylor, Inc. and Potter Taylor & Scurfield, Inc.

27  
28 **ORDER**

Pursuant to the foregoing Stipulation,

**IT IS SO ORDERED.**

Dated: June 23, 2017

  
WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE