

1 JOSEPH E. MALONEY, SBN 95458
 Attorney at Law
 2 660 Auburn Folsom Road, Suite 202-D
 Auburn, California 95603
 3 Telephone: (530) 885-7787

4 Attorney for Plaintiff

5 IN THE UNITED STATES DISTRICT COURT
 6 FOR THE EASTERN DISTRICT OF CALIFORNIA
 7

8 DENNIS L. PARKER,)	
)	
9 Plaintiff,)	Civ-S-06-0340-GEB-KJM
)	
10 v.)	
)	STIPULATION AND ORDER
11 YUBA COUNTY WATER DISTRICT,)	
)	
12 Defendant.)	
)	
13)	
14)	

15 The parties, through their counsel, stipulate as follows:

16 1. The Administrative Judge (ALJ) hearing the issue of
 17 fitness for duty has continued the hearing on that matter to
 18 September 2, 2009 to conclude the taking of evidence, inasmuch as
 19 the parties had not completed their presentations by July 22,
 20 2009;

21 2. The parties believe that the ALJ's decision may have some
 22 bearing or be of some assistance to the parties in resolving the
 23 issues arising from the District's actions of June 22, 2009,
 24 which were the subject of plaintiff's motion for preliminary
 25 injunction;

26 3. The parties anticipate some gap in time between completion
 27 of the evidence before the ALJ and the ALJ's decision; and

28 4. Plaintiff has not abandoned his motion for preliminary
 injunction, but is, rather, attempting to resolve the matter if

1 possible without the Court's further intervention.

2 Accordingly, the parties request that the Temporary
3 Restraining Order (Docket No. 122) remain in effect until such
4 time as the matter may be heard by this Court, if necessary,
5 after receipt of the ruling of the ALJ, at which time the parties
6 will confer as to how best to address the issues in light of the
7 ALJ's Order and, if they are not able to agree, plaintiff will
8 re-notice his motion for preliminary injunction on the Court's
9 first available calendar.

10 Dated: August 13, 2009

11 /s/ Joseph E. Maloney
12 JOSEPH E. MALONEY
13 Attorney for Plaintiff

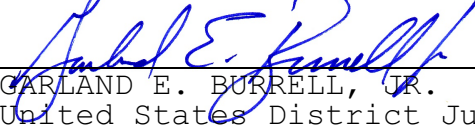
14 Dated: August 13, 2009

15 /s/ Robert H. Greenfield
16 Robert H. Greenfield
17 Attorney for Defendant

18 **ORDER**

19 The parties' stipulation concerning the Temporary Restraining
20 Order ("TRO") (Docket No. 122) is modified as follows: The TRO
21 shall remain in effect until such time as a motion is heard on
22 whether the TRO should be dissolved or a motion is heard on a
23 request for a preliminary injunction ("PI"). No PI motion is
24 pending since the PI motion referenced in the parties'
25 stipulation has been deemed withdrawn.

26 Dated: August 18, 2009

27 
28 GARLAND E. BURRELL, JR.
United States District Judge

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