

P O R T E R | S C O T T

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Attorney for Plaintiff
MAGGIE FRANKLIN

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MAGGIE FRANKLIN,

Plaintiff,

v.

SACRAMENTO AREA FLOOD
CONTROL AGENCY, a public entity, CITY
OF SACRAMENTO, a public agency,

Defendants.

CASE NO. 2:07-CV-01263-WBS-GGH

**FOURTH JOINT STIPULATION AND
[PROPOSED] ORDER TO MODIFY
SCHEDULING ORDER AND
CONTINUE THE FINAL PRE-TRIAL
CONFERENCE**

Complaint Filed: June 26, 2007
1st Amended Complaint Filed: June 16, 2008

Plaintiff MAGGIE FRANKLIN and Defendants SACRAMENTO AREA FLOOD CONTROL AGENCY, and the CITY OF SACRAMENTO, by and through their respective attorneys of record, hereby stipulate and request the Court to further modify the Pre-Trial

Scheduling Order by continuing the Final Pre-Trial Conference from February 23, 2009 to **April 6, 2009**. Jury trial in this case is currently scheduled for May 27, 2009.

Good cause exists to continue the Final Pre-Trial Conference because Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment ("Defendants' Motion") against all of Plaintiff's nine claims for relief is currently pending before the Court. Since the hearing for Defendants' Motion is set for March 2, 2009, the Final Pre-Trial Conference is scheduled to occur before the Court rules on Defendants' Motion. The parties believe obtaining the Court's ruling on Defendants' Motion for Summary Judgment before preparing their Separate Pre-Trial Statements will result in the more efficient and effective use of the Court's time and resources. For this reason, the parties respectfully request the Court continue the Final Pre-Trial Conference from February 23, 2009 to **April 6, 2009 at 2:00 p.m.**

PORTER SCOTT
A PROFESSIONAL CORPORATION

January 26, 2009

By /s/ Carl L. Fessenden
Carl L. Fessenden
James S. Yi
Attorneys for Defendants

MURRAY & ASSOCIATES

January 26, 2009

By /s/ Lawrence D. Murray (as authorized on 1/26/09)
Lawrence D. Murray
Attorney for Plaintiff

IT IS SO ORDERED.

Dated: January 29, 2009



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE