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 8 BRIAN DAWE, Plaintiff FLAT IRON MOUNTAIN
 9 ASSOCIATES, LLC, Defendant/Counter-Plaintiff GARY
 10 HARKINS, and Defendant RICHARD LOUD

11 UNITED STATES DISTRICT COURT
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 BRIAN DAWE; FLAT IRON
 14 MOUNTAIN ASSOCIATES, LLC,
 15 formerly known as Flat Iron Mountain
 16 Associates, a Partnership,

17 Plaintiffs,

18 v.

19 CORRECTIONS USA, a California
 20 Corporation; CALIFORNIA
 21 CORRECTIONAL PEACE OFFICERS
 22 ASSOCIATION, a California Corporation;
 23 JAMES BAIARDI, an individual;
 24 DONALD JOSEPH BAUMANN, an
 25 individual,

26 Defendants.

27 AND RELATED CLAIMS AND
 28 COUNTERCLAIMS

Case No. 2:07-CV-01790 LKK EFB

[Consolidated Master Case Number]

**STIPULATION AND ORDER
 CONTINUING HEARING DATE ON
 DEFENDANTS' POST-TRIAL MOTIONS**

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1 **RECITALS**

2 Judgment in this case was entered on October 25, 2010 (CM/ECF Doc. No. 519). On
3 November 22, 2010, Defendants CORRECTIONS USA, CALIFORNIA CORRECTIONAL
4 PEACE OFFICERS ASSOCIATION, JAMES BAIARDI, and DONALD JOSEPH BAUMANN
5 (collectively referred to herein as “Defendants”) filed a Renewed Motion for Judgment as a
6 Matter of Law and a Motion for New Trial (CM/ECF Doc. Nos. 533 and 534, collectively
7 referred to herein as the “Post-Trial Motions”).

8 Hearing on Defendants’ Post-Trial Motions was set for December 20, 2010. As such, the
9 current deadline for Plaintiff/Cross-Defendant BRIAN DAWE, Plaintiff FLAT IRON
10 MOUNTAIN ASSOCIATES, LLC, Defendant/Counter-Plaintiff GARY HARKINS, and
11 Defendant RICHARD LOUD (collectively referred to herein as “Plaintiffs”) to file their
12 oppositions to the Post-Trial Motions is December 6, 2010.

13 Via the below stipulation, the parties seek to continue the hearing on Defendants’ Post-
14 Trial Motions to January 18, 2011, the Court’s first available law and motion day after December
15 20. This continuance is sought because Plaintiffs’ counsel—Dan Baxter—was on vacation from
16 the afternoon of November 22 through the end of the day on November 29, and thus unable to
17 begin his review and analysis of Defendants’ post-trial motions until November 30. Defendants
18 are amenable to the sought-after continuance, with the caveat that they also desire additional time
19 to prepare their reply over and beyond the normal timelines specified in Local Rule 230.
20 Plaintiffs have no problem with that caveat, and the briefing schedule set forth below takes both
21 sides’ needs into account.

22 **STIPULATION**

23 In light of the above, the parties HEREBY STIPULATE that the hearing date on
24 Plaintiffs’ Post-Trial Motions shall be continued to January 18, 2011 at 10:00 a.m. in Courtroom
25 4 of the above-entitled Court. The parties FURTHER STIPULATE that Plaintiffs’ oppositions to
26 Defendants’ Post-Trial Motions shall be filed no later than the close of business on December 19,
27 2010, and that Defendants’ reply briefs shall be filed no later than the close of business on
28 January 10, 2011.

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IT IS SO STIPULATED.

DATED: December 3, 2010

WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP

By: /s/ Daniel L. Baxter
DANIEL L. BAXTER
Attorneys for Plaintiff/Cross-Defendant
BRIAN DAWE, Plaintiff FLAT IRON
MOUNTAIN ASSOCIATES, LLC,
Defendant/Counter-Plaintiff GARY
HARKINS, and Defendant RICHARD LOUD

DATED: December 3, 2010


MANATT PHELPS & PHILLIPS LLP

By: /s/ Dean J. Zipse
DEAN J. ZIPSER
Attorneys for
CORRECTIONS USA, CALIFORNIA
CORRECTIONAL PEACE OFFICERS
ASSOCIATION, JAMES BAIARDI, and
DONALD JOSEPH BAUMANN

ORDER

IT IS SO ORDERED.

DATED: December 3, 2010.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT