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 5 BRIAN DAWE, Plaintiff FLAT IRON MOUNTAIN
 ASSOCIATES, LLC, Defendant/Counter-Plaintiff GARY
 6 HARKINS, and Defendant RICHARD LOUD

7
 8 UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 BRIAN DAWE; FLAT IRON
 MOUNTAIN ASSOCIATES, LLC,
 12 formerly known as Flat Iron Mountain
 Associates, a Partnership,

13 Plaintiffs,

14 v.

15 CORRECTIONS USA, a California
 Corporation; CALIFORNIA
 16 CORRECTIONAL PEACE OFFICERS
 ASSOCIATION, a California Corporation;
 17 JAMES BAIARDI, an individual;
 18 DONALD JOSEPH BAUMANN, an
 individual,

19 Defendants.

20
 21 AND RELATED CLAIMS AND
 COUNTERCLAIMS
 22

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

[Consolidated Master Case Number]

**STIPULATION AND ORDER
 EXTENDING TIME FOR PLAINTIFFS'
 RESPONSE TO COURT'S MARCH 18,
 2011 ORDER, AND MODIFYING
 ADDITIONAL DEADLINES**

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1 **RECITALS**

2 On March 18, 2011, the Court issued an Order on Defendants’ motion for judgment as a
3 matter of law and motion for new trial. In that Order, the Court directed Plaintiffs “to inform the
4 court within twenty-one (21) days of the issuance of this order as to whether they will (a) stipulate
5 to the remitted punitive damage awards describe herein; (b) seek a new trial; or (c) intend to
6 appeal this order.” (CM/ECF Doc. No. 570, at 11:18-11:22.) Thus, the deadline for Plaintiffs’
7 election falls on April 8, 2011.

8 Pursuant to the parties’ prior stipulations and the Court’s prior orders, certain deadlines
9 will come due shortly after Plaintiffs’ election is made, including deadlines relating to (a)
10 Defendants’ response to Plaintiffs’ Application for Determination of Prevailing Party Status, (b)
11 Plaintiffs’ Bill of Costs and Defendants’ objections thereto, and (c) Plaintiffs’ enforcement of
12 judgment.

13 Plaintiffs’ counsel has a pre-planned out-of-state vacation that will keep him out of the
14 office from March 30 through April 13, 2011. Because the matters referenced above require
15 counsel’s personal attention, and because the parties collectively wish to have readily identifiable
16 deadlines tracking off of Plaintiffs’ forthcoming election and the Court’s amended judgment
17 following that election, the parties respectfully request that the Court issue an order adopting the
18 timelines set forth below.

19 **STIPULATION**

20 In light of the above, the parties HEREBY STIPULATE as follows:

21 1. Plaintiffs shall have until the close of business on April 15, 2011, inclusive, to
22 make the election directed at p. 11, lines 18-22 of the Court’s March 18 Order (CM/ECF Doc.
23 No. 570);

24 2. It is anticipated that upon being notified of the election specified in Paragraph 1,
25 above, the Court will issue a new or amended judgment. Thus, Defendants shall have five (5)
26 court days, inclusive, following the Court’s issuance of that amended judgment to file their
27 response to Plaintiffs’ Application for Determination of Prevailing Party Status (CM/ECF Doc.
28 No. 520);

1 3. Plaintiffs will have fourteen (14) calendar days, inclusive, following the Court's
2 issuance of the new or amended judgment referenced in Paragraph 2, above, to file their Bill of
3 Costs (including supporting documentation);

4 4. Defendants will have fourteen (14) calendar days, inclusive, following Plaintiffs'
5 submission of their Bill of Costs to file objections thereto; and

6 5. The stay of enforcement of judgment ordered by the Court on November 10, 2010
7 (CM/ECF Doc. No. 530) shall be extended until thirty (30) calendar days, inclusive, following the
8 Court's issuance of the new or amended judgment referenced in Paragraph 2, above.

9 IT IS SO STIPULATED.

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11 DATED: March 24, 2011

WILKE, FLEURY, HOFFELT, GOULD &
BIRNEY, LLP

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

18 DATED: March 24, 2011


MANATT PHELPS & PHILLIPS LLP

19
20 By: _____ /s/ Dean J. Zipser
21 DEAN J. ZIPSER
22 Attorneys for
23 CORRECTIONS USA, CALIFORNIA
CORRECTIONAL PEACE OFFICERS
ASSOCIATION, JAMES BAIARDI, and
DONALD JOSEPH BAUMANN

24
25 **ORDER**

26 IT IS SO ORDERED.

27 DATED: March 25, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT