

1 CREGGER & CHALFANT LLP  
ROBERT L. CHALFANT, SBN 203051  
2 Email: [rlc@creggerlaw.com](mailto:rlc@creggerlaw.com)  
WENDY MOTOOKA, SBN 233589  
3 Email: [wm@creggerlaw.com](mailto:wm@creggerlaw.com)  
701 University Avenue, Suite 110  
4 Sacramento, CA 95825  
Telephone: (916) 443-4443

5 BRIAN L. MORRIS, SBN 222650  
6 Siskiyou County Counsel  
P. O. Box 659  
7 Yreka, CA 96097  
Telephone: (530) 842-8100

8 Attorneys for Defendants SISKIYOU COUNTY,  
9 SISKIYOU COUNTY PLANNING  
COMMISSION, LAVADA ERICKSON, FRANK  
10 DEMARCO, BILL HOY, MARCIA  
ARMSTRONG, JIM COOK, RON STEVENS,  
11 JEFF FOWLE, CHRIS LAZARIS, and MIKE  
MCMAHON

12 CANNATA, O'TOOLE, FICKES & ALMAZAN  
13 LLP  
THERESE Y. CANNATA, SBN 88032  
14 Email: [tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)  
MARK FICKES, SBN 178570  
15 Email: [mfickes@cofalaw.com](mailto:mfickes@cofalaw.com)  
100 Pine Street, Suite 350  
16 San Francisco, CA 94111  
Telephone: (415) 409-8900

17 Attorneys for Plaintiff STANLEY SWENSON  
18

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

21  
22 STANLEY SWENSON,

23 Plaintiff,

24 vs.

25 SISKIYOU COUNTY, et al.,

26 Defendants.  
27  
28

No. 2:08-cv-01675 KJM CMK

**STIPULATION TO VACATE AND STAY  
TRIAL AND RELATED DATES; ORDER  
THEREON**

1           Whereas, the parties attended a settlement conference conducted by Magistrate Kendall  
2 Newman on December 22, 2015, at the U.S. District Court, and were unable to complete a  
3 settlement of this action on that date;

4           Whereas, since December 22, 2015, the parties, with the assistance and involvement of  
5 Magistrate Newman, have made progress towards eliminating contested issues and working  
6 towards a mutually agreeable resolution of this matter, and have cooperated in identifying  
7 possible steps towards resolution;

8           Whereas, Plaintiff Stanley Swenson intends to avail himself of the administrative  
9 processes and procedures available in Siskiyou County for the purpose of pursuing and  
10 conducting lawful mining activities pursuant to Siskiyou County codes and regulations and the  
11 Surface Mining and Reclamation Act ("SMARA");

12           Whereas, the administrative process will facilitate the settlement of this action, and if  
13 settlement is not achieved, the administrative process will also reduce the number of contested  
14 issues and therefore streamline the trial;

15           Whereas, the parties anticipate that the administrative processes and procedures could take  
16 approximately 6 to 7 months for completion.

17           Plaintiff Stanley Swenson and defendants Siskiyou County, Siskiyou County Planning  
18 Commission, Lavada Erickson, Frank Demarco, Bill Hoy, Marcia Armstrong, Jim Cook, Ron  
19 Stevens, Jeff Fowle, Chris Lazaris, and Mike McMahon (collectively "the Parties"), by and  
20 through their respective counsel, hereby stipulate and agree as follows:

21           1.       The trial of this matter currently set to commence February 29, 2016, and all  
22 related deadlines, be vacated and stayed pending the completion of Plaintiff Stanley Swenson's  
23 pursuit of administrative processes and procedures pursuant to Siskiyou County codes and  
24 regulations and SMARA;

25           2.       The parties will contact Judge Mueller at the conclusion of Plaintiff Stanley  
26 Swenson's administrative process and proceedings to advise whether the matter has been resolved  
27 and the case may be dismissed or to set the matter for trial.

1 IT IS SO STIPULATED.

2  
3 DATE: January 25, 2016

CREGGER & CHALFANT LLP

4  
5 s/Robert L. Chalfant

ROBERT L. CHALFANT

6 WENDY MOTOOKA

7 Attorneys for Defendants SISKIYOU COUNTY,  
8 SISKIYOU COUNTY PLANNING COMMISSION,  
9 LAVADA ERICKSON, FRANK DEMARCO, BILL HOY,  
10 MARCIA ARMSTRONG, JIM COOK, RON STEVENS,  
11 JEFF FOWLE, CHRIS LAZARIS, and MIKE MCMAHON

12  
13 DATE: January 25, 2016

CANNATA, O'TOOLE, FICKES & ALAMAZAN LLP

14  
15 s/Mark P. Fickes

16 THERESE Y. CANNATA

17 MARK FICKES

18 Attorneys for Plaintiff STANLEY SWENSON

19  
20 **ORDER**

21 FOR GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that

22 1. The trial of this matter currently set to commence February 29, 2016, and all  
23 related deadlines, be vacated and stayed pending the completion of Plaintiff Stanley Swenson's  
24 pursuit of administrative processes and procedures in Siskiyou County;

25 2. The parties will notify the court within fourteen (14) days of the conclusion of  
26 Plaintiff Stanley Swenson's administrative processes and proceedings to advise whether the  
27 matter has been resolved and the case may be dismissed, or to set the matter for trial.

28 IT IS SO ORDERED.

DATED: February 2, 2016

  
UNITED STATES DISTRICT JUDGE