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9 **Attorneys for Defendant City of Isleton**

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

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13 JUAN MARTINEZ PEREZ,

14 Plaintiff,

15 v.

16 OFFICER W. ROE, in his individual
 17 capacity; CHIEF OF POLICE Ronald Jole,
 18 in his individual capacity; CITY OF
 19 ISLETON, a municipal corporation; and
 20 DOES 1 to 50, inclusive,

21 Defendants.

Case No. 2:10-CV-01423-MCE-KJN

**STIPULATION AND ORDER RE
 EXTENSION OF TIME FOR
 DEFENDANTS JOLE AND ROE TO
 RESPOND TO PLAINTIFF’S FIRST
 AMENDED COMPLAINT;
 EXTENSION OF JOINT STATUS
 REPORT SUBMISSION DEADLINE;
 AND TO ELECT REFERRAL OF
 ACTION TO VOLUNTARY DISPUTE
 RESOLUTION PROGRAM PURSUANT
 TO LOCAL RULE 271**

22 Plaintiff JUAN MARTINEZ PEREZ (“Plaintiff”), by and through his undersigned counsel,
 23 and Defendant CITY OF ISLETON (“City”), by and through its undersigned counsel, and
 24 Defendants OFFICER W. ROE (“Roe”) and CHIEF OF POLICE Ronald Jole (“Jole”) (collectively,
 25 the “Parties”), hereby stipulate to the following:

- 26 1. **WHEREAS**, Plaintiff served its First Amended Complaint on the City on August 16,
 27 2010.
- 28 2. **WHEREAS**, after receiving an extension of time to respond from Plaintiff, the City
 filed its Answer to Plaintiff’s First Amended Complaint on September 30, 2010.

1 3. **WHEREAS**, Plaintiff served his First Amended Complaint on Defendants Roe and
2 Jole on August 24, 2010.

3 4. **WHEREAS**, Plaintiff agreed to an extension of time for Defendants Roe and Jole to
4 respond to the First Amended Complaint, making their responses due on or before October 15, 2010.

5 5. **WHEREAS**, the Parties are actively conducting informal discovery and early case
6 evaluation in this matter to evaluate the possibility of an early settlement and/or resolution of this
7 matter in order to spare the expense involved in prolonged litigation.

8 6. **WHEREAS**, Plaintiff agrees to a further 60 day extension of time for Defendants
9 Roe and Jole to respond to the First Amended Complaint, making responses from Defendants Roe
10 and Jole due on or before December 14, 2010.

11 7. **WHEREAS**, item number 4 in the Court's Order Requiring Joint Status Report
12 requires that within 60 days of service of the complaint on any party, the Parties confer as required
13 by Fed. R. Civ. P. 26(f) and prepare and submit to the Court a joint status report that includes the
14 Rule 26(f) discovery plan. Accordingly, the due date for submission of the joint status report to the
15 Court is October 15, 2010 (based on service of the First Amended Complaint on the City on August
16 16, 2010).

17 8. **WHEREAS**, the Parties respectfully request that the Court grant an extension of time
18 to submit a joint status report as per item number 4 in the Court's Order Requiring Joint Status
19 Report to December 31, 2010.

20 9. Pursuant to Local Rule 271, the Parties hereby agree to submit the above-entitled
21 action to the Voluntary Dispute Resolution Program.

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NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The time in which Defendants Roe and Jole may answer, move, or otherwise respond to Plaintiff's First Amended Complaint is extended from October 15, 2010 to December 14, 2010.

2. The time identified in item number 4 in the Court's Order Requiring Joint Status report in which the Parties are to submit a joint status report that includes the Rule 26(f) discovery plan is extended from within 60 days of service of the complaint on any party, as set forth in the Order, to December 31, 2010.

3. The Parties agree to submit the above-entitled action to the Voluntary Dispute Resolution Program.

IT IS SO STIPULATED.

Dated: October 19, 2010

CAULFIELD DAVIES & DONAHUE, LLP

By: /s/ Andrew T. Caulfield

Richard H. Caulfield
Andrew T. Caulfield
Attorneys for Defendant CITY OF ISLETON
P.O. Box 277010
Sacramento, CA 95827
(916) 817-2900

Dated: October 19, 2010

COLDERBANK LAW

By: /s/ Tania H. Colderbank

Tania H. Colderbank
Attorney for Plaintiff JUAN MARTINEZ PEREZ
117 J. Street, Suite 300
Sacramento, CA 95814
(916) 440-0236

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

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Dated: October 19, 2010

By: /s/ Officer W. Roe
(original signature retained by attorney Andrew T. Caulfield)

Defendant OFFICER W. ROE


Dated: October 19, 2010

By: /s/ Ronald Jole
(original signature retained by attorney Andrew T. Caulfield)

Defendant CHIEF OF POLICE, Ronald Jole

IT IS SO ORDERED.

DATED: October 19, 2010


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE