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Attorneys for Plaintiff
12 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
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16 CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
17 corporation,

18 Plaintiff,

19 vs.

20 PARADISE READY MIX, INC. a
California corporation, WILLIAM
21 CALLAWAY, an individual, and BRIAN
HARRISON, an individual,

22 Defendants.
23

CASE NO. 2:10-CV-01801-GEB-GGH

STIPULATION THAT DEFENDANTS
WITHDRAW THEIR MOTION FOR
PROTECTIVE ORDER (AS DEEMED
SUBMITTED BY THE COURT ON APRIL
28, 2011), THAT PLAINTIFF BE EXCUSED
FROM RESPONDING THERETO, AND
THAT DEFENDANT CALLAWAY MAY
RE-FILE AN AMENDED MOTION FOR
PROTECTIVE ORDER; [PROPOSED]
ORDER THEREON

Magistrate Judge: Hon. Gregory G. Hollows

24 **WHEREAS**, Defendants William Callaway (“Callaway”) and Brian Harrison (“Harrison”)
25 (collectively, “Defendants”) filed a Motion For A Protective Order (“Motion”) and this Court
26 deemed the Motion filed as of April 28, 2011;

27 **WHEREAS**, in its Order dated May 2, 2011 (“Order”), the Court stated:

28 “First, defendants' motion for protective order was not timely noticed. It was

1 not considered on its merits because of the time of filing; however, it is
2 deemed as having been properly filed on this date for future consideration.
3 Plaintiff will be given the opportunity to respond, and then it will be taken
under submission after the court determines whether a hearing is necessary.”

4 (Doc. No. 23, at 3:2-6);

5 **WHEREAS**, the Court’s Order states, in relevant part, that:

6 “1. Within twenty-one (21) days of this order, plaintiff shall file an
7 opposition to defendants’ motion for protective order. Defendants may file a
8 reply seven days thereafter. The court will then determine whether a hearing
is necessary or take the matter under submission.”

9 (*Id.* at 4:7-8);

10 **WHEREAS**, Plaintiff California Sportfishing Protection Alliance (“Plaintiff”) and
11 Defendants (collectively, the “Parties”) have pending before this Court a stipulation and proposed
12 order to dismiss Plaintiff’s claims with prejudice with respect to defendant Brian Harrison
13 (“Harrison”) and the non-existent corporate entity, defendant Paradise Ready Mix, Inc. (“PRM”);

14 **WHEREAS**, the Parties anticipate that the Court will soon issue an order dismissing
15 Plaintiff’s claims against defendants Harrison and PRM with prejudice;

16 **WHEREAS**, in anticipation of the Court’s dismissal of Plaintiff’s claims against defendants
17 Harrison and PRM, Defendant Callaway hereby agrees to withdraw Defendants’ pending Motion
18 thereby relieving Plaintiff of the obligation to file an Opposition brief thereto;

19 **WHEREAS**, upon the Court’s dismissal of Plaintiff’s claims against defendants Harrison
20 and PRM, the Parties agree that Defendant Callaway shall have leave to file an amended motion for
21 protective order;

22 **WHEREAS**, the Parties further agree that in light of the Parties’ upcoming settlement
23 conference scheduled to occur on July 13, 2011, it is in the interest of conservation of their
24 respective economic resources and judicial economy that Defendant Callaway set the hearing date
25 for the contemplated amended motion for protective order for a date at least twenty-eight (28) days
26 subsequent to July 13, 2011.
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ORDER

Pursuant to Stipulation, and good cause appearing, it is ORDERED that Defendant Callaway shall be permitted to withdraw Defendants' currently pending Motion For A Protective Order on May 25, 2011, or as soon thereafter as may be convenient for Defendant Callaway. It is further ORDERED that Plaintiff California Sportfishing Protection Alliance shall be relieved of the obligation to file an Opposition brief in response to Defendants' currently pending Motion For A Protective Order. Additionally, it is ORDERED that upon the Court's dismissal of Plaintiff's claims against defendants Harrison and Paradise Ready Mix, Inc. pursuant to stipulation of the Parties, that Defendant Callaway shall have leave to file an amended motion for protective order. Finally, it is ORDERED that Defendant Callaway's amended motion for protective order shall be set for hearing on a date at least twenty-eight (28) days subsequent to the Parties' settlement conference on July 13, 2011.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

Dated: June 20, 2011

/s/ Gregory G. Hollows

UNITED STATES DISTRICT COURT MAGISTRATE JUDGE