

**CLAUDIA M. QUINTANA**

City Attorney, SBN 178613

**FURAH Z. FARUQUI**

Deputy City Attorney, SBN 233083

CITY OF VALLEJO, City Hall

555 Santa Clara Street, P.O. Box 3068

Vallejo, CA 94590

Tel: (707) 648-4545

Fax: (707) 648-4687

**MARK A. JONES**, SBN 96494**SCOTT H. CAVANAUGH**, SBN 245261

JONES &amp; DYER

A Professional Corporation

1800 J Street

Sacramento, CA 95811

Telephone: 916-552-5959

Facsimile: 916-442-5959

Attorneys for Defendants, City of Vallejo, M. Thompson, D. Joseph, M. Nicol,  
J. Jaksch, B. Clark; Robert Nichelini

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
(Sacramento Division)

TOBY WILSON,

Plaintiff,  
vs.CITY OF VALLEJO; M. THOMPSON; D.  
JOSEPH; M. NICOL; J. JAKSCH; B.  
CLARK; ROBERT NICHELINI; and  
DOES 1 – 15, inclusive,

Defendants.

Case No.: 2:12-cv-00547-JAM-CKD

**STIPULATION AND ORDER TO  
CONTINUE TRIAL AND PRETRIAL  
CONFERENCE****Pre-trial Conference: October 11, 2013  
Trial: December 2, 2013**

The parties, by and through their respective counsel of record, hereby stipulate that the trial and pre-trial conference in this matter be continued based on the following circumstances:

- 1) On May 4, 2012, the court filed the Status (Pre-trial Scheduling) Order in this matter setting the case for trial commencing December 2, 2013 at 9:00 a.m. Pursuant to the order, the court also set the pre-trial conference for October 4, 2013 at 10:00 a.m.
- 2) On September 19, 2013, the court issued a minute order advancing the pre-trial

1 conference, due to calendar congestion, from October 4, 2013 to October 3, 2013 at  
2 10:00 a.m.

- 3 3) On September 26, 2013, the court issued a further minute order resetting the October 3,  
4 2013 pre-trial conference to Friday, October 11, 2013 at 11:00 a.m. Counsel for the  
5 parties were available to attend the pre-trial conference on October 3, 2013, but lead trial  
6 counsel for defendants, Mark A. Jones, is unavailable to attend the October 11, 2013  
7 pre-trial conference as set by the court. Mark A. Jones has a prescheduled, prepaid trip  
8 to southern California that will render him unavailable to attend the pre-trial conference  
9 as set. The court's pre-trial scheduling order requires trial counsel to attend the pre-trial  
10 conference, and defendants as well as Mr. Jones believe it is essential as lead trial  
11 counsel that Mr. Jones attend the pre-trial conference.
- 12 4) Defendants' counsel has been informed by Harry Vine that the next available pre-trial  
13 conference date is November 1, 2013, and that moving the pre-trial conference will  
14 necessitate a continuance of the trial date into early next year.
- 15 5) In light of the foregoing circumstances, the parties, by and through their respective  
16 counsel, stipulate that the pre-trial conference presently set for October 11, 2013 at 11:00  
17 a.m. be continued to November 1, 2013 at 10:00 a.m. The parties further stipulate and  
18 request that the court continue trial in this matter set for December 2, 2013 to February  
19 24, 2014, commencing at 9:00 a.m.

20  
21 DATED: October 2, 2013

LAW OFFICES OF JOHN L. BURRIS

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23 By: /s/ DeWitt Lacy  
24 JOHN L. BURRIS  
DEWITT LACY  
Attorneys for Plaintiff, Toby Wilson

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1 DATED: October 2, 2013

CITY ATTORNEY

2  
3 By: /s/ Furah Faruqui  
4 CLAUDIA M. QUINTANA  
5 FURAH FARUQUI  
6 Attorneys for Defendants, City of  
7 Vallejo, M. Thompson, D. Joseph, M.  
8 Nicol, J. Jaksch, B. Clark; Robert  
9 Nichelini

7 DATED: October 2, 2013

JONES & DYER

8  
9 By: /s/ Mark A. Jones  
10 MARK A. JONES  
11 SCOTT H. CAVANAUGH  
12 Attorneys for Defendants, City of  
13 Vallejo, M. Thompson, D. Joseph, M.  
14 Nicol, J. Jaksch, B. Clark; Robert  
15 Nichelini

14 **ORDER**

16 Based upon the Stipulation of the parties, and good cause appearing therefore, the pre-trial  
17 conference presently set for October 11, 2013 at 11:00 a.m. is continued and reset for November 1,  
18 2013 at 10:00 a.m. Further, trial presently scheduled for December 2, 2013 is continued and reset  
19 for February 24, 2014 at 9:00 a.m. A Joint Pre-trial Conference Statement shall be filed no later  
20 than seven (7) days prior to the pre-trial conference, and counsel are reminded that the entire pre-  
21 trial statement, including any exhibit and witness lists, shall also be emailed in Word format to the  
22 court's judicial assistant Jane Klingelhoets at [jklingelhoets@caed.uscourts.gov](mailto:jklingelhoets@caed.uscourts.gov).

23 IT IS SO ORDERED.

25 DATED: 10/2/2013

/s/ John A. Mendez  
26 HONORABLE JOHN A. MENDEZ  
27 UNITED STATES DISTRICT COURT JUDGE