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17 **UNITED STATES DISTRICT COURT**
 18 **EASTERN DISTRICT OF CALIFORNIA**

20	JENEANE SHELLABARGER; and)	Case No.: 13-cv-00188-TLN-CMK
21	KENNETH POTTER,)	
22)	
	Plaintiffs,)	STIPULATION AND ORDER TO
)	VACATE DATES
23	vs.)	
)	Trial Date: August 17, 2015
24	DARRIN DICHARRY; KEVIN HALE; RAY)	
25	MARTINEZ; CITY OF RED BLUFF; and)	Honorable Troy L. Nunley
26	DOES 1 through 10, inclusive,)	
27	Defendants.)	

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1 The parties filed a stipulation and order to continue the pretrial conference deadlines on
2 June 5, 2015, and the court signed the order on June 11, 2015. For the following reasons, the
3 parties hereby request that this Court vacate the upcoming dates and deadlines until certain
4 pending motions are resolved.

5 Whereas, Defendant Darren Dicharry's motion for summary judgment was taken under
6 submission on February 6, 2015;

7 Whereas, the pending motion for summary judgment raises qualified immunity on behalf
8 of Defendant Dicharry and seeks dismissal of the only cause of action pled against Dicharry, the
9 granting of this motion would result in dismissal of Defendant Dicharry from this case;

10 Whereas Plaintiff and Defendant Dicharry's Motion to Change Time to modify the
11 deadline to disclose expert witnesses was taken under submission on January 23, 2015;

12 Whereas the Court's order on the motion for summary judgment and the Motion to
13 Change Time are still pending;

14 Whereas under the current schedule the parties joint pretrial statement is due July 9, 2015
15 and the pretrial conference is scheduled for July 16, 2015; the trial date is set for August 17,
16 2015.

17 Therefore the parties have stipulated as follows:

18 In light of the pending motion for summary judgment and the Motion to Change Time,
19 the parties request that all pending dates be vacated and the parties agree to file a joint
20 scheduling conference statement within 30 days of the resolution of the pending motions, said
21 statement would outline the parties' availability for trial and hearings.

22 **IT IS SO STIPULATED.**

23
24 Dated: July 8, 2015

ANGELO, KILDAY & KILDUFF, LLP

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26 By: /s/ Carrie A. Frederickson
CARRIE A. FREDERICKSON
27 Attorneys for Defendants
KEVIN HALE, RAY MARTINEZ, and
28 CITY OF RED BLUFF

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Dated: July 8, 2015

EVANS & PAGE

By: /s/ Corey A. Evans (as Authorized on 7/9/15)

COREY EVANS
Attorney for Plaintiffs JENEANE
SHELLABARGER and KENNETH
POTTER

Dated: July 8, 2015

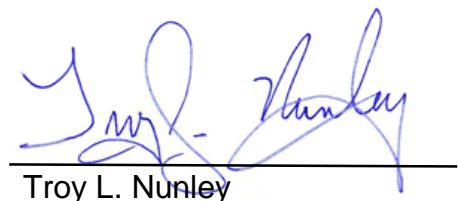
By: /s/ Dennis Halsey (as authorized on 7/9/15)

LEONARD G. KRUP
DENNIS HALSEY
Attorneys for Defendant DARREN
DICHARRY

It is so ordered.

All dates are hereby vacated, including the trial date, and the parties are ordered to file a joint scheduling conference statement within 30 days of the resolution of the pending motions.

Dated: July 13, 2015



Troy L. Nunley
United States District Judge