

1 GREGORY F. DYER, SBN 114486
 KRISTEN K. PRESTON, SBN 125455
 2 JONES & DYER
 A Professional Corporation
 3 1800 J Street
 Sacramento, CA 95811
 4 Telephone: 916-552-5959
 Facsimile: 916-442-5959

5 Attorneys for Plaintiff
 6 Kristine Cloud as Trustee
 of the Dorothy I. Gavle Revocable Trust
 7

8 WESLEY C.J. EHLERS, SBN 181537
 EHLERS LAW CORPORATION
 9 2600 Capitol Avenue, Suite 300
 Sacramento, CA 95816
 10 Telephone: 916-442-0300
 11 Facsimile: 916-650-1039

12 Attorneys for Defendant Daryl Van Ness

13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA
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16 KRISTINE CLOUD AS TRUSTEE
 17 OF THE DOROTHY I. GAVLE
 REVOCABLE TRUST,
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 Plaintiff,
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 vs.
 20 DARYL VAN NESS, ROUND PRAIRIE
 21 LUTHERAN CHURCH and DOES 1-100,
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 Defendants.
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Case No. 2:14-CV-02308-TLN-AC
 NOTICE OF MOTION AND
 STIPULATION FOR ORDER TO
 VACATE SETTLEMENT CONFERENCE
 Date: March 16, 2017
 Time: 9:00 a.m.
 Courtroom: 26
 Magistrate Judge Allison Claire
 Trial Date: 10/30/2017

25 COMES NOW, Plaintiff Kristine Cloud as Trustee of the Dorothy I. Gavle Revocable
 26 Trust and Defendant Daryl Van Ness, by and through their respective counsel, and hereby
 27 submit by stipulation a Motion for Order to vacate this Court’s order to appear at Settlement
 28 Conference on March 16, 2017 (ECF. No. 39), as follows:

1 (1) Farmers & Merchant Bank, a defendant in a related state court action filed by
2 plaintiff in Sacramento County Superior Court (Case No. 34-2014-00162133 currently on
3 appeal before the Third District Court of Appeal Case No. C077303) had through its counsel of
4 record Lauren Wroblewski of Morrison and Foerster agreed to participate in the settlement
5 conference before Magistrate Judge Claire. In reliance on this representation, the parties to this
6 action submitted a stipulation requesting an order scheduling a settlement conference with
7 Magistrate Judge Allison Claire. (ECF 33.)

8 (2) Subsequent to this Court's order scheduling the requested settlement conference for
9 March 16, 2017, counsel for Farmer's & Merchant Bank notified plaintiff that Farmer's &
10 Merchant Bank and/or its counsel are unavailable to appear on the date and time scheduled for
11 the conference.

12 (3) Counsel for Farmers & Merchant Bank has now requested that the parties participate
13 in private mediation.

14 (4) The parties anticipate that the parties will pursue private mediation in May 2017.

15 (5) The parties were informed by the Court that, in the event the matter does not settle at
16 private mediation, a settlement conference before Magistrate Judge Claire may be scheduled
17 September 28, October 5, or October 12, 2017.

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THEREFORE, THE PARTIES, by and through their counsel of record, that good cause therefore request that the Court issue an order vacating this Court's order to appear at Settlement Conference on March 16, 2017 (ECF. No. 39).

DATED: March 13, 2017

JONES & DYER

By: /s/ Gregory F. Dyer
GREGORY F. DYER
KRISTEN K. PRESTON
Attorneys for Plaintiff
Kristine Cloud as Trustee of the
Dorothy I. Gavle Revocable Trust

DATED: March 13, 2017

EHLERS LAW CORPORATION

By: /s/ Wesley C. J. Ehlers
WESLEY C.J. EHLERS
Attorneys Defendant
Daryl Van Ness

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On the stipulation of the parties, and good cause appearing therefore,
IT IS HEREBY ORDERED that the Court's Order scheduling a settlement conference in this
matter for March 16, 2017 be and hereby is VACATED.

DATED: March 14, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE