

PORTER | SCOTT
350 University Avenue, Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

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PORTER | SCOTT
A PROFESSIONAL CORPORATION
Stephen E. Horan, SBN 125241
Adam J. DeBow, SBN 305809
350 University Avenue, Suite 200
Sacramento, California 95825
TEL: 916.929.1481
FAX: 916.927.3706

Attorneys for Defendant, CITY OF LINCOLN

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

BYRON CHAPMAN,

Plaintiff,

v.

CITY OF LINCOLN,

Defendant.

CASE NO. **2:15-CV-00270- MCE-EFB**

**STIPULATION AND ORDER TO
EXTEND PRE-TRIAL MOTIONS AND
EXPERT DISCOVERY**

Complaint Filed: 01/30/2015

_____ /

Plaintiff BYRON CHAPMAN (“CHAPMAN”) and Defendant CITY OF LINCOLN hereby submit the following Stipulation to Extend the Hearing Date for Dispositive Motions:

- WHEREAS, on January 30, 2015, CHAPMAN filed a lawsuit against the CITY OF LINCOLN (*Chapman v. City of Lincoln.*, Case No. 2:15-CV-00270- MCE-EFB [*Chapman I*]) for: (1) Denial of Access in Violation of the ADA Pursuant to Title III (42 U.S.C. §12101, *et seq.*); (2) Denial of Full and Equal Access in Violation of California Civil Code §§ 54, 54.1, and 54.3 (Disabled Persons Act); (3) Denial of Accessible Sanitary Facilities in Violation of California Health & Safety Code § 19955, *et seq.*; and (4) Denial of Access to Full and Equal

1 Accommodations, Advantages, Facilities, Privileged and/or Services in Violation of California
2 Civil Code § 51, et seq. (Unruh Civil Rights Act).

3 2. WHEREAS, on November 10, 2015, CHAPMAN filed a second lawsuit against the
4 CITY OF LINCOLN (*Chapman v. City of Lincoln*, Case No: 2:15-CV-02326-MCE-EFB
5 [*Chapman II*]) for same causes of action, excluding the Health & Safety Code violation. The ADA
6 action for this matter was plead under Title II.

7 3. WHEREAS, on February 5, 2016, Defendant City of Lincoln filed a Motion for
8 Summary Judgment in Case No. 2:15-CV-00270-MCE-EFB.

9 4. WHEREAS, on April 29, 2016, the Court denied Defendant’s motion without
10 prejudice and granted Plaintiff leave to file his First Amended Complaint.

11 5. WHEREAS, on May 3, 2016, CHAPMAN filed First-Amended complaint for
12 *Chapman I* realleging the ADA action under Title II and making other amendments.

13 6. WHEREAS, on July 13, 2016, the parties filed a Joint Stipulation to consolidate the
14 two matters.

15 7. WHEREAS, on July 19, 2016, the Court issued an Order to Consolidate,
16 consolidating the two above-mentioned matters.

17 8. WHEREAS, on October 27, 2016, a settlement conference was set for November
18 14, 2016 with Judge Morrison England.

19 9. WHEREAS, on November 4, 2016, pursuant to an agreement by the parties the
20 Court continued the Settlement Conference to February 21, 2017.

21 10. WHEREAS, the pre-trial scheduling order in this matter was issued on June 22,
22 2016, requires that the last day to hear dispositive motions is April 6, 2017.

23 11. WHEREAS, the pre-trial scheduling order requires that all Motions for Summary
24 Judgment be filed at least eight weeks prior to the hearing, meaning such motions must be filed by
25 February 9, 2017.

26 12. WHEREAS, the pre-trial scheduling order provides that expert discovery should be
27 completed “in a timely manner in order to comply with the Court’s deadline for filing dispositive
28 motions.”

1 12. WHEREAS, the parties hope to avoid the necessity of filing dispositive motions by
2 reaching a fair resolution at the February 21, 2017, settlement conference.

3 13. WHEREAS, the parties hope to avoid the expense of expert discovery prior to the
4 settlement conference scheduled on February 21, 2017.

5
6 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and**
7 **between CHAPMAN and the CITY OF LINCOLN, through their respective counsel of**
8 **record herein, as follows:**

- 9 I. The deadline hearing dispositive motions shall be extended by 44 days from April
10 6, 2017, to May 20, 2017 in order to allow the parties to engage in the settlement
11 conference scheduled for February 21, 2017.
- 12 II. The parties agree to conduct expert discovery in a timely manner in order to
13 comply with the new hearing deadline for dispositive motions.
- 14 III. All other deadlines set forth in the Court’s Amended pre-trial scheduling order
15 shall remain unchanged.

16 **IT IS SO STIPULATED AND AGREED.**

17 Date: January 23, 2017

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19 By: /s/ Stephen E. Horan
20 Stephen E. Horan
21 Adam J. DeBow
22 Attorneys for Defendant
23 CITY OF LINCOLN

24 Dated: January 18, 2017

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

26 By: /s/ Thomas E. Frankovich (Authorized 1/18/17)
27 Thomas E. Frankovich
28 Attorney for Plaintiff,
 BYRON CHAPMAN

ORDER

Pursuant to the parties' stipulation and good cause having been shown, the deadline for hearing dispositive motions is hereby CONTINUED to MAY 20, 2017.

IT IS SO ORDERED.

Dated: January 23, 2017



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

PORTER | SCOTT
350 University Avenue, Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

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