

1 JOHN M. LUEBBERKE, City Attorney
State Bar No 164893
2 JAMES F. WILSON, Deputy City Attorney
State Bar No. 107289
3 425 N. El Dorado Street, 2nd Floor
Stockton, CA 95202
4 Telephone: (209) 937-8333
Facsimile (209) 937-8898

5 DENNIS M. COTA, Bar No. 127992
dcota@cotalawfirm.com
6 RONALD J. SCHOLAR, Bar No. 187948
rscholar@cotalawfirm.com
7 SAMANTHA L. CHEN, Bar No. 307155
schen@cotalawfirm.com
8 COTA COLE LLP
2261 Lava Ridge Court
9 Roseville, CA 95661
Telephone: (916) 780-9009
10 Facsimile: (916) 780-9050

11 Attorneys for Defendants ROBERT JOHNSON,
12 WILLIAM KAMBIC, DANA MOSHER, and
RYAN MORRIS

13 UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 SYLVIA HAYNES, et al.,

16 Plaintiffs,

17 v.

18 ROBERT JOHNSON, et al.,

19 Defendants.

Case No. 2:15-CV-00565-WBS-DB

**STIPULATION AND [~~PROPOSED~~]
ORDER TO CONTINUE TRIAL, PRE-
TRIAL, LAW AND MOTION AND
DISCOVERY DATES**

Assigned to Judge:
Senior Judge William B. Shubb
Referred to:
Magistrate Judge Deborah Barnes

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

WHEREAS the parties, by and through their respective counsel have met and conferred and agreed;

WHEREAS discovery and dispositive motions were substantially delayed in order to permit sufficient time for Plaintiffs’ counsel to file a motion to withdraw, for the Court to rule on the matter and for Plaintiffs and Plaintiffs’ counsel to reconcile and be able to move forward with the case;

WHEREAS two litigation attorneys, including former counsel of record Ted Wood, have departed from the City of Stockton City Attorney’s Office;

WHEREAS effective December 30, 2016, new counsel from Cota Cole LLP have associated into the case for Defendants;

WHEREAS due to the holiday period, obtaining fully executed substitutions of attorney from each individual defendant have been temporarily delayed;

WHEREAS Cota Cole LLP will be fully substituting into the case for the City Attorney as soon as the appropriate substitution documents are prepared and filed with the Court;

WHEREAS new counsel needs sufficient time to review and analyze the case, the current state of discovery, which is incomplete and prepare the case for the completion of discovery, potential dispositive motions and trial;

WHEREAS Plaintiffs have also not yet completed discovery;

WHEREAS Plaintiffs’ counsel is set for two trials in February 2017;

WHEREAS pre-trial and trial will need to be continued to accommodate continuing discovery and dispositive motions;

WHEREAS pending the Court’s approval, the parties have agreed to continue all dates approximately 4-6 months depending upon the Court’s schedule and ability to accommodate as follows:

///

///

{RJS/00048529. }

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Current

New

Rebuttal Expert Disclosures	01/06/17	04/24/17
Fact Discovery Deadline	01/24/17	05/29/17
Expert Discovery Deadline	02/28/17	06/06/17
Discovery Motion Hearing Deadline	N/A	07/18/17
Dispositive Motion Hearing Deadline	N/A	08/21/17
Mandatory Settlement Conference	N/A	09/26/17
Pre-Trial Conference	07/03/17	10/16/17
Trial	09/16/17	01/30/17

SO STIPULATED

Dated: January 3, 2017 COTA COLE LLP

By: /s/ Ronald J. Scholar

Dennis M. Cota
Ronald J. Scholar
Samantha L. Chen
Attorneys for Defendants ROBERT JOHNSON,
WILLIAM KAMBIC, DANA MOSHER, and RYAN
MORRIS

Dated: January 3, 2017 JOHN M. LUEBBERKE, CITY ATTORNEY

By: /s/ James F. Wilson

JAMES F. WILSON
Attorneys for Defendants ROBERT JOHNSON,
WILLIAM KAMBIC, DANA MOSHER, and RYAN
MORRIS

Dated: January 3, 2017 LAW OFFICES OF JOHN L. BURRIS

By: /s/ Dewitt M. Lacy

DEWITT M. LACY
Attorneys for Plaintiffs SYLVIA HAYNES,
ANN TIONETT HAYNES and THE ESTATE OF
DONALD RAY HAYNES

{RJS/00048529. }

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


ORDER

The Court having considered the above stipulation of the parties and good cause appearing, hereby orders the following dates and deadlines be reset and continued as follows:

	<u>Current</u>	<u>New</u>
Rebuttal Expert Disclosures	01/06/17	03/03/17
Fact Discovery Deadline	01/24/17	03/21/17
Expert Discovery Deadline	02/28/17	04/28/17
Discovery Motion Filing Deadline	N/A	05/25/17
Dispositive Motion Filing Deadline	N/A	06/23/17
Pre-Trial Conference	07/03/17	09/11/17 at 1:30 p.m.
Trial	09/6/17	11/28/17 at 9:00 a.m.

IT IS SO ORDERED.

Dated: January 3, 2017



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

{RJS/00048529. }