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16 UNITED STATES DISTRICT COURT
17 EASTERN DISTRICT OF CALIFORNIA

18 JUAN ESPINOZA,

19 Plaintiff,

20 v.

21 CITY OF TRACY, CHIEF OF POLICE
22 GARY HAMPTON, R. LEON
CHURCHILL, JR., AND DOES 1
23 through 40, inclusive,

24 Defendants.

Case No.: 2:15-cv-00751-WBS-KJN

Complaint Filed: April 6, 2015

**STIPULATION CONTINUING JOINT
STATUS CONFERENCE AND RELATED
DATES; [PROPOSED] ORDER**

1 TO THE HONORABLE COURT AND TO THE PARTIES AND THEIR ATTORNEYS
2 OF RECORD:

3 Defendants CITY OF TRACY and R. LEON CHURCHILL, JR. (“Defendants”) and
4 Plaintiff Juan Espinoza (“Plaintiff”) (collectively the “Parties”), through their respective
5 undersigned attorneys of record, hereby stipulate and agree as follows:

- 6 A. WHEREAS, Plaintiff filed his Complaint on April 6, 2015;
- 7 B. WHEREAS, Defendants were served with the Complaint on August 25, 2016;
- 8 C. WHEREAS, Defendants and Plaintiff stipulated to a 14-day extension for
9 Defendants to respond to Plaintiff’s Complaint;
- 10 D. WHEREAS, Defendants filed a Motion to Dismiss Plaintiff’s Complaint on
11 September 29, 2016;
- 12 E. WHEREAS, on October 5, 2016, the Court scheduled a Joint Status Conference
13 for January 3, 2017, ordering the parties 1) to meet and attempt to agree upon a
14 FRCP 26(f) discovery plan 21 calendar days in advance, on or before December
15 13, 2016; and 2) to submit a JOINT status report 14 days in advance, on or before
16 December 20, 2016;
- 17 F. WHEREAS, on November 15, 2016, the Court granted Defendants’ Motion to
18 Dismiss in its entirety with leave to amend;
- 19 G. WHEREAS, Plaintiff filed an Amended Complaint on December 5, 2016.
- 20 H. WHEREAS, Defendants intend to file a Motion to Dismiss the Amended
21 Complaint on or before December 22, 2016, with a motion hearing date
22 anticipated to be in February 2017;

23 NOW THEREFORE, the Plaintiffs and Defendants stipulate, by and through their counsel
24 and pursuant to Court approval, that:

- 25 1. That in the interest of justice and to minimize litigation costs and the expenditure
26 of public resources, and because Plaintiff recently filed an Amended Complaint on
27 December 5, 2016, the case is not at issue, and Defendants will be filing a Motion
28 to Dismiss the Amended Complaint on or before December 22, 2016, the parties

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request that this Court continue the Joint Status Conference from January 3, 2017, in Courtroom 5 of the above-entitled Court, to April 10, 2017, or as soon thereafter as the Court's schedule permits, and that the related dates be continued accordingly.

2. No party will be prejudiced by a continuance of the Joint Status Conference from January 3, 2017 to April 10, 2017.
3. The parties further stipulate 1) that a Joint Status Report must be filed 14 calendar days in advance of the continued joint status conference; and 2) to meet and attempt to agree upon a FRCP 26(f) discovery plan 21 calendar days in advance of the continued joint status conference.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: December 9, 2016

Respectfully submitted,

LIEBERT CASSIDY WHITMORE

By: /s/ Jesse J. Maddox

Jesse J. Maddox
Arlin Kachalia
Attorneys for Defendants CITY OF
TRACY
and R. LEON CHURCHILL, JR.

Dated: December 9, 2016

LAW OFFICE OF RUSSELL A.
ROBINSON

By:

/s/ Russell A. Robinson
Russell A. Robinson
Attorneys for Plaintiff JUAN ESPINOZA

1 **ESPINOZA V. CITY OF TRACY, ET AL.**

2 Case No.: 2:15-cv-00751-WBS-KJN

3 **ORDER**


4 1. The Joint Status Conference is continued from January 3, 2016, to April 10, 2017
5 at 1:30 p.m. in Courtroom 5 of the above-entitled Court.

6 2. At least twenty-one (21) calendar days before the scheduling conference is held,
7 the parties shall confer and attempt to agree upon a discovery plan, as required by Federal Rule of
8 Civil Procedure 26(f).

9 3. Pursuant to Local Rule 240, the parties shall submit to the court a JOINT Status
10 Report fourteen (14) calendar days prior to the continued date of the joint status conference, as
11 described in this Court’s October 5, 2016 order, and no later than March 27, 2017.

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13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14 **Dated: December 12, 2016**

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16 **WILLIAM B. SHUBB**
17 **UNITED STATES DISTRICT JUDGE**

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