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7 Attorneys for Defendants CITY OF ANDERSON, CITY OF ANDERSON POLICE
 8 DEPARTMENT, and MICHAEL JOHNSON

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

11 GERALD KNIGHTEN)	Case No.: 2:15-cv-01751-TLN-CMK
)	
12 Plaintiff,)	
)	STIPULATION AND ORDER TO
13 vs.)	WITHDRAW PENDING MOTION FOR
)	SANCTIONS AND MOTION TO
14)	DISMISS AND REQUEST FOR
15 THE CITY OF ANDERSON; THE CITY OF)	MANDATORY SETTLEMENT
16 ANDERSON POLICE DEPARTMENT,)	CONFERENCE
17 MICHAEL JOHNSON and SEAN MILLER,)	
)	
18 Defendants.)	
)	
19)	
20)	

21 Plaintiff GERALD KNIGHTEN and Defendants CITY OF ANDERSON, the CITY OF
 22 ANDERSON POLICE DEPARTMENT, and MICHAEL JOHNSON (hereafter “CITY
 23 Defendants”), and SEAN MILLER, by and through their respective counsel of record, hereby
 24 stipulate to, and respectfully request, that CITY Defendants’ Motion for Sanctions For Violations
 25 of Court Orders (Court’s Docket No. 22) and Motion to Dismiss (Docket No. 23) be withdrawn
 26 and the Court order the parties to attend a settlement conference. Should this case not resolve at
 27 the settlement conference, CITY Defendants will thereafter re-file both motions.¹

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¹ Per the Court’s instruction, CITY Defendants will notice the Motion for Sanctions before Magistrate Kellison.

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WHEREAS:

1. The parties would like to attend a settlement conference, preferably with Magistrate Judge Kellison, before incurring additional time and expenses on CITY Defendants' pending Motion for Sanctions and Motion to Dismiss;

2. In order to provide the best opportunity to settle this case, the parties agree that it is important to minimize additional costs and attorney's fees to the extent possible so that they can attempt to resolve this case at a settlement conference;

3. The Court has not yet issued a Scheduling Order in this case, thus providing the parties time to attempt to resolve this case at a settlement conference before incurring additional law and motion expenses will *not* result in the rescheduling of any pretrial or trial deadlines.

The parties therefore request that the Court schedule a settlement conference with Judge Kellison for a date that is convenient for the Court's and counsel's calendar. The parties also request that CITY Defendants' Motion for Sanctions For Violations of Court Orders (Court's Docket No. 22) and Motion to Dismiss (Docket No. 23) be deemed withdrawn and that said motions can be re-filed should this case not resolve at the settlement conference.

Dated: June 1, 2016

ANGELO, KILDAY & KILDUFF, LLP

By: /s/ Bruce A. Kilday
BRUCE A. KILDAY
Attorneys for Defendants City Of
Anderson, Anderson Police Department,
And Michael Johnson

Dated: June 1, 2016

PORTER SCOTT

/s/ Carl Fessenden
By: (as authorized on 6/1/16)
CARL FESSENDEN
Attorneys for Defendant Sean Miller

Dated: June 1, 2016

BARR & MUDFORD, LLP

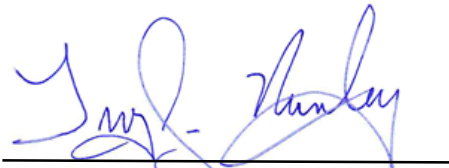
/s/ John Douglas Barr
By: (as authorized on 6/1/16)
JOHN DOUGLAS BARR
Attorneys for Plaintiff

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ORDER

GOOD CAUSE APPEARING, CITY Defendants Motion for Sanctions For Violations of Court Orders (Court's Docket No. 22) and Motion to Dismiss (Docket No. 23) are hereby withdrawn. The parties are ordered to attend a mandatory settlement conference with Magistrate Judge Kellison on August 04, 2016 at 9:30 a.m.. Should this case not resolve at the mandatory settlement conference, CITY Defendants can thereafter re-file both motions.

Dated: June 2, 2016



Troy L. Nunley
United States District Judge