

1 Gregory M. Fox, State Bar No. 070876
 2 BERTRAND, FOX, ELLIOT, OSMAN & WENZEL
 3 The Waterfront Building
 4 2749 Hyde Street
 5 San Francisco, California 94109
 Telephone: (415) 353-0999
 Facsimile: (415) 353-0990
 Email: gfox@bfesf.com

6 Attorneys for Defendant
 7 CITY OF FAIRFIELD

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

11 BILLY ROBERT COOK, MICHAEL JOHN
 12 MAROULAS, AND BECKY SMISEK-GAGE,

13 Plaintiffs,

14 v.

15 CITY OF FAIRFIELD, a municipal
 16 corporation; FORMER CITY OF FAIRFIELD
 17 POLICE CHIEF WALT TIBBET, in his
 18 individual and official capacities; REBECCA
 19 BELK and AARON BERTSCH, individually
 20 and in their official capacities as police
 21 sergeants for the City of Fairfield, FRANK
 PIRO, KELLY ROMBACH, MARK APLEY,
 ADAM BRUNIE, CHRISTOPHER GRIMM,
 HEITH PULSIPHER, and DOES 1-50,
 individually and in their capacities as peace
 officers,

22 Defendants.
 23

Case No. 2:15-cv-02339- KJM-KJN

**STIPULATION AND ORDER EXTENDING THE
 DEADLINE FOR HEARING OF DISPOSITIVE
 MOTIONS**

HONORABLE KIMBERLY J. MUELLER

1 Plaintiffs Billy Robert Cook, Michael John Maroulas, and Becky Smisek-Gage, acting by and
2 through their attorney of record, and Defendants City of Fairfield, Walt Tibbet, Rebecca Belk, Aaron
3 Bertsch, Frank Piro, Kelly Rombach, Adam Brunie, Christopher Grimm, and Keith Pulsipher, acting by
4 and through their attorney of record, have met and conferred regarding scheduling issues and have
5 stipulated to and respectfully request an order extending the dispositive motion deadline as follows:

- 6 1. Defendants filed a Motion to Dismiss the Third Amended Complaint on July 15, 2016.
7 This Court issued an Order on that Motion on September 25, 2017. While that Motion
8 was pending, the parties were limited in their ability to conduct discovery.
- 9 2. Since the issuance of the Court's September 25, 2017 Order on Defendants' Motion to
10 Dismiss, the parties have exchanged substantive discovery, and anticipate setting
11 depositions soon. Scheduling issues on both sides have prevented the parties from
12 completing more discovery to date.
- 13 3. The parties have met and conferred regarding Defendants' intent to file a dispositive
14 motion regarding several existing defendants and causes of action. However, the current
15 status of discovery has hampered Plaintiffs' ability to analyze the advisability of
16 proceeding with the current causes of action and defendants and has impeded Defendants'
17 analysis of the viability of a Motion for Summary Judgment and/or Adjudication.
- 18 4. To accommodate these concerns, and to allow the parties further time to meet and confer,
19 the parties request that the deadline for hearing on dispositive motions, currently set for
20 January 12, 2018 per Docket 35, be extended by 90 days to April 18, 2018.

21 The parties stipulate and respectfully request the court order the above stipulation.

22
23 Dated: December 12, 2017

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

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25 By: /s/Gregory Fox
26 Gregory M. Fox
27 Attorney for Defendant
City of Fairfield

1 Dated: December 12, 2017

LAW OFFICES OF JUSTIN KIRK TABAYOYON

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4 By: /s/ Justin Kirk Tabayoyon (as authorized on
5 _____)
6 Justin Kirk Tabayoyon
7 Attorney for Plaintiffs

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9 **ORDER**

10 Good Cause appearing the Stipulation is SO ORDERED. The dispositive motion hearing
11 deadline currently set for January 18, 2018 is continued by 90 days to April 20, 2018.

12 DATED: December 12, 2017.

13 
14 _____
15 UNITED STATES DISTRICT JUDGE