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 10 CENTIMARK CORPORATION

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA

Gordon Rees Scully Mansukhani, LLP
 655 University Avenue, Suite 200
 Sacramento, CA 95825

11	TIMBER RIDGE HOMEOWNERS ASSOCIATION,)	CASE NO. 2:16-cv-02858-JAM-AC
12)	
13	Plaintiff and Counter-Defendant,)	STIPULATION AND ^{JAM} [PROPOSED] ORDER TO ALTER BRIEFING PROCEDURE AND CONTINUE FILING AND HEARING DATES FOR DISPOSITIVE MOTIONS
14	vs.)	
15	CENTIMARK CORPORATION,)	
16	Defendant and Counter-Claimant.)	

18
 19 TIMBER RIDGE HOMEOWNERS ASSOCIATION ("Plaintiff") and CENTIMARK
 20 CORPORATION ("Defendant") hereby stipulate, by and through their attorneys of record:

21 WHEREAS, following meet and confer efforts, and a mediation of March 28, 2018, the
 22 Plaintiff and Defendant (collectively "the Parties") agree that certain legal issues must be
 23 decided prior to trial;

24 WHEREAS, after meeting and conferring, the Parties intended to file cross-motions for
 25 summary judgment/adjudication on the same legal issues;

26 WHEREAS, the depositions of 15 deponents in this case are ongoing, and are currently
 27 scheduled out to May 24, 2018;
 28

1 WHEREAS, the Parties have submitted another stipulation to the court to extend the
2 discovery deadline from May 11, 2018, to May 28, 2018;

3 WHEREAS, the current deadline to file dispositive motions is May 22, 2018;

4 WHEREAS, the current hearing date for dispositive motions is set for June 19, 2018, at
5 1:30 p.m.;

6 WHEREAS, trial is set for September 10, 2018;

7 WHEREAS, because the Parties intended to file cross-motions for summary
8 judgment/adjudication on the same legal issues, the Parties agree, contingent upon agreement of
9 the Court, that efficiency in this case will benefit from having Plaintiff and Defendant file
10 Opening Briefs on the same day and then Reply Briefs on the same day;

11 WHEREAS, depositions and the collection of evidence are ongoing, and the Parties do
12 not anticipate having all necessary evidence or facts prior to the current deadline to file
13 dispositive motions;

14 Plaintiff and Defendant STIPULATE and AGREE:

15 1. Should the Court agree that the procedure for filing motions for summary
16 judgment/adjudication would be more efficient with simultaneously filed briefs:

17 A. Both Plaintiff and Defendant will file Opening Briefs (25 pages maximum
18 each) on the same day, **June 19, 2018**, along with any other documents
19 required or permitted under Local Rule 260;

20 B. Both Plaintiff and Defendant will file Reply Briefs (10 pages maximum each)
21 on the same day, **July 10, 2018**, along with any other documents required or
22 permitted under the local rules.

23 C. The hearing for the motions for summary judgment/adjudication will occur on
24 **July 31, 2018**.

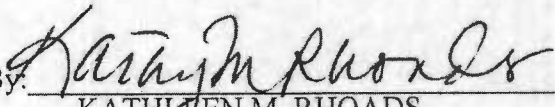
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IT IS SO STIPULATED AND AGREED.

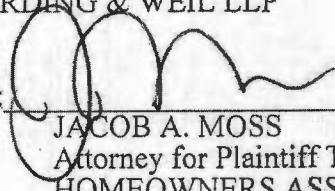
Dated: May 8, 2018

GORDON REES SCULLY MANSUKHANI, LLP

By: 
KATHLEEN M. RHOADS
Attorney for Defendant CENTIMARK
CORPORATION

Dated: May 8, 2018

BERDING & WEIL LLP

By: 
JACOB A. MOSS
Attorney for Plaintiff TIMBER RIDGE
HOMEOWNERS ASSOCIATION

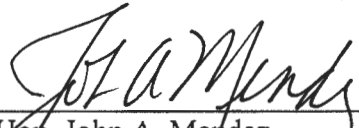
[PROPOSED] ORDER

Having reviewed the foregoing stipulation of the parties, and finding good cause therefore, the Court hereby orders as follows:

1. Both Plaintiff and Defendant will file Opening Briefs (25 pages maximum each) on the same day, **June 19, 2018**, [~~or, in the alternative, Opening Briefs are due on _____~~ ^{JAM}] along with any other documents required or permitted under Local Rule 260;
2. Both Plaintiff and Defendant will file ^{JAM} Reply Briefs (10 pages maximum each) on the same day, **July 10, 2018**, [~~or, in the alternative, Reply Briefs are due on _____~~ ^{JAM}] along with any other documents required or permitted under the local rules. *No separate opposition briefs will be permitted, i.e. the "Reply Briefs" will serve as the opposition briefs.*
3. The hearing for the motions for summary judgment/adjudication will ^{JAM} ~~occur on July 31, 2018~~ ^{at 1:30} [~~or, in the alternative, the Court hereby sets the hearing date for the motions for summary judgment/adjudication on _____~~ ^{JAM}].

IT IS SO ORDERED.

Dated: May 9, 2018


Hon. John A. Mendez
United States District Judge

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