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 CITY OF VACAVILLE

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

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CALIFORNIA RIVER WATCH,

Case No. 2:17-cv-00524-KJM KJN

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Plaintiff,

**STIPULATION TO CONTINUE TIME
FOR FILING ANSWER AND
RESPONDING TO REQUESTS FOR
PRODUCTION; [PROPOSED] ORDER
THEREON**

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v.

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CITY OF VACAVILLE,

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Defendant.

Judge: Hon. Kimberly J. Mueller
Magistrate Judge: Hon. Kendall J.
Newman

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[Fed. R. Civ. P. 6; Local Rule 144]

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Courtroom: 3
Trial Date: June 17, 2019
Trial Time: 9:00 a.m.

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IT IS HEREBY STIPULATED BY AND BETWEEN ALL PARTIES AS

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FOLLOWS:

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Plaintiff California River Watch (“Plaintiff”), and Defendant the City of Vacaville

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(the “City”) (collectively, the “Parties”), by and through their respective counsel of record,

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hereby respectfully apply to this Court pursuant to the Eastern District’s Local Rule 144

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for an Order continuing the date for the City to file an Answer to Plaintiff’s Complaint and

2:17-cv-00524-KJM KJN

STIPULATION TO CONTINUE TIME FOR FILING ANSWER AND RESPONDING
TO REQUESTS FOR PRODUCTION; [PROPOSED] ORDER THEREON

1 serve responses to Plaintiff’s First Request For Production of documents to October 2,
2 2017.

3 **RECITALS**

4 WHEREAS, on March 13, 2017, Plaintiff filed its complaint for injunctive relief,
5 civil penalties, restitution and remediation against the City;

6 WHEREAS, on April 4, 2017, the City executed a waiver of service;

7 WHEREAS, on May 12, 2017, the City filed a motion to dismiss all claims in this
8 action pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) (“Motion to Dismiss”);

9 WHEREAS, the Motion to Dismiss hearing occurred on June 16, 2017;

10 WHEREAS, on September 1, 2017, this Court filed an Order denying the City’s
11 Motion to Dismiss and ordering an answer within fourteen (14) days of the filed Order;

12 WHEREAS, each member of the City’s outside counsel litigation team was out of
13 the office for a portion of the time period following the Court’s September 1, 2017 Order
14 which prevented completing preparation of an answer and responses to the Requests for
15 Production;

16 WHEREAS, the Labor Day holiday took place after the Court’s September 1, 2017,
17 Order, the City’s outside counsel litigation team was away from the office, which offices
18 were closed on September 4, 2017, in observance of the holiday, and these factors also
19 decreased the amount of working time available to complete preparation of an answer and
20 responses to the Requests for Production;

21 WHEREAS, the City’s counsel of record have been in good faith dedicating a
22 significant amount of time working with the City staff preparing discovery responses to
23 Plaintiff’s broad and extensive discovery requests;

24 WHEREAS, this is the City’s first extension of time to answer and second
25 extension of time to respond to Requests for Production;

26 WHEREAS, the Parties agree that these facts constitute good cause for the
27 requested extensions.

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STIPULATION

NOW THEREFORE, IT IS HEREBY STIPULATED, between the Parties, subject to this Court’s approval, that:

- 1. The City’s time to file an Answer to the Complaint shall be extended seventeen (17) days up to and including October 2, 2017;
- 2. The City’s time to provide discovery responses to Plaintiff’s First Request for Production shall be extended twelve (12) days up to and including October 2, 2017;
- 3. This extension will not affect any other deadline in this case;
- 4. This Stipulation is without prejudice to the rights, claims, arguments, and defenses of all Parties.

IT IS SO STIPULATED.

DATED: September 15, 2017

LAW OFFICE OF DAVID J. WEINSOFF
LAW OFFICE OF JACK SILVER

By: /s/David J. Weinsoff
David J. Weinsoff
Jack Silver
Attorneys for Plaintiff CALIFORNIA RIVER
WATCH

DATED: September 15, 2017

MEYERS, NAVE, RIBACK, SILVER & WILSON

By: /s/Gregory J. Newmark
Gregory J. Newmark
Attorneys for Defendant CITY OF
VACAVILLE

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ORDER

This Court, having received and reviewed the Stipulation of the Parties referenced immediately above, and finding good cause therefore,

IT IS HEREBY ORDERED THAT:

1. The City’s time to file an Answer to the Complaint shall be extended seventeen (17) days up to and including October 2, 2017;
2. The City’s time to provide discovery responses to Plaintiff’s First Request for Production shall be extended twelve (12) days up to and including October 2, 2017;
3. This Stipulation is without prejudice to the rights, claims, arguments, and defenses of all Parties.

IT IS SO ORDERED

DATED: October 2, 2017.


UNITED STATES DISTRICT JUDGE