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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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12 CALIFORNIA RIVER WATCH,

13 Plaintiff,

14 v.

15 CITY OF VACAVILLE,

16 Defendant.

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

**STIPULATION AND ORDER TO  
CONTINUE DISPOSITIVE MOTION  
DEADLINES AND INCREASE PAGE  
LIMIT**

Trial Date: None Set

17

18 **IT IS HEREBY STIPULATED BY AND BETWEEN ALL PARTIES AS**

19 **FOLLOWS:**

20 Plaintiff California River Watch (“Plaintiff”) and Defendant City of Vacaville  
 21 (“Defendant” or “Vacaville”) (collectively, the “Parties”) by and through their respective attorneys  
 22 of record, hereby respectfully apply to this Court for an Order, (1) continuing pre-trial deadlines  
 23 set forth in this Court’s First Amendment to the Scheduling Order (Dkt. No. 26), including the  
 24 dispositive motion deadlines, and, (2) providing for an increase in the page limits set for motions  
 25 and replies.

26

**RECITALS**

27 WHEREAS, Plaintiff filed this action on March 13, 2017 (Dkt. No. 1);

28 WHEREAS, the Joint Rule 26(f) Report was filed on June 9, 2017 (Dkt. No. 12);

1 WHEREAS, Defendant filed its answer on October 2, 2017 (Dkt. No. 22);

2 WHEREAS, The Hon. Kimberly J. Mueller set trial for June 17, 2019 and set a schedule of  
3 pretrial dates by entering a Status (Pretrial Scheduling) Order on July 12, 2017 (Dkt. No. 16);

4 WHEREAS, the Parties made their initial disclosures on October 16, 2017 (Defendant) and  
5 October 17, 2017 (Plaintiff);

6 WHEREAS, the Parties jointly requested an amendment to the pre-trial deadlines set forth  
7 in the Status (Pretrial Scheduling) Order (Dkt. No. 16), which the Court adopted by entering the  
8 First Amendment to the Scheduling Order Dkt. No. 26, which extended the discovery cutoff,  
9 expert disclosure deadline, expert rebuttal deadline, expert discovery cutoff, dispositive motion  
10 hearing deadline, and vacated the June 17, 2019, trial date and pre-trial dates such as the pre-trial  
11 conference;

12 WHEREAS, the Parties have now completed discovery including expert depositions and  
13 have worked cooperatively to ensure an efficient preparation of the case for adjudication;

14 WHEREAS, the Parties are in agreement that the case involves numerous legal, technical  
15 and factual issues which will require careful and thorough briefing for dispositive motions that are  
16 to be filed;

17 WHEREAS, expert depositions have recently been completed and Parties are still awaiting  
18 corrections, if any, by the deponents;

19 WHEREAS, finalization of the deposition transcripts will aid drafting the briefs of the  
20 dispositive motions;

21 WHEREAS, the dispositive motion hearing deadline previously proposed by the Parties  
22 was intended to avoid conflicts with the June 2019 trial date and especially the March 2019 date  
23 for the pre-trial conference, both of which have now been vacated by this Court;

24 WHEREAS, under the current schedule, the Parties will be required to prepare their  
25 oppositions to cross-motions for summary judgment between December 14 and December 28,  
26 2018, during which time lead counsel for the City will be out of the country to visit family and  
27 also during which time counsel for the City's law office will have diminished staffing for the  
28 Christmas holiday and will be closed on December 25;



1 (1) The Parties request that the following dates be modified and/or established set forth  
 2 in the chart below:

EVENT	CURRENT DATE	PROPOSED DATE
Last day to file dispositive motions	12/14/18	01/11/19
Deadline to file oppositions to dispositive motions	12/28/18	02/01/19
Deadline to file replies to oppositions	1/4/19	02/15/19
All dispositive motions hearing date	01/11/19	03/08/2019 or any available date thereafter based on the Court calendar

11 and,

12  
 13 (2) The Parties request that the page limit be increased as follows:

DOCUMENT	CURRENT LIMIT	PROPOSED LIMIT
Memoranda of Points and Authorities ISO of Motion	20	30
Memoranda of Points and Authorities ISO of Opposition	20	30
Replies	10	15

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 18  
 19  
 20 IT IS SO STIPULATED.

21 DATED: December 6, 2018

MEYERS, NAVE, RIBACK, SILVER & WILSON

22 By:           /s/ Shiraz D. Tangri          

Shiraz D. Tangri

Attorneys for Defendant CITY OF VACAVILLE

23  
 24 DATED: December 6, 2018

LAW OFFICE OF DAVID J. WEINOFF

LAW OFFICE OF JACK SILVER

25  
 26 By:           /s/ Jack Silver          

David J. Weinoff

Jack Silver

Attorneys for Plaintiff CALIFORNIA RIVER WATCH

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 28 3083613.3

**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 extensions requested in the below chart be granted:

<b>EVENT</b>	<b>CURRENT DATE</b>	<b>PROPOSED DATE</b>
Last day to file dispositive motions	12/14/18	01/11/19
Deadline to file oppositions to dispositive motions	12/28/18	02/01/19
Deadline to file replies to oppositions	1/4/19	02/15/19
All dispositive motions hearing date	01/11/19	03/08/2019

and,

(2) The page limits are increased as follows:

<b>DOCUMENT</b>	<b>CURRENT LIMIT</b>	<b>PROPOSED LIMIT</b>
Memoranda of Points and Authorities ISO of Motion	20	30
Memoranda of Points and Authorities ISO of Opposition	20	30
Replies	10	15

**IT IS SO ORDERED**

DATED: December 11, 2018.

  
UNITED STATES DISTRICT JUDGE