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22 Attorneys for Defendants
23 CITY OF SACRAMENTO, SACRAMENTO
24 POLICE DEPARTMENT, and SAMUEL D.
25 SOMERS, JR.

26 UNITED STATES DISTRICT COURT
27 EASTERN DISTRICT OF CALIFORNIA
28 SACRAMENTO DIVISION

29 ROBERT MANN SR., et al.,

30 Plaintiffs,

31 vs.

32 CITY OF SACRAMENTO, et al.,

33 Defendants.

34 Case No. 2:17-cv-01201-WBS-DB

35 **STIPULATION RE CONTINUANCE OF**
36 **HEARING ON CITY DEFENDANTS'**
37 **MOTION TO STAY; [PROPOSED] ORDER**

38 Pursuant to E.D. Cal. L.R. 230(f), Plaintiffs Robert Mann Sr., Vern Murphy-Mann, Deborah
39 Mann, Zachary Mann, and William Mann (collectively, "Plaintiffs") and Defendants City of Sacramento,
40 Sacramento Police Department, and Samuel D. Somers, Jr. (collectively, "City Defendants") stipulate as
41 follows:

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I. STATEMENT OF PROCEDURAL FACTS

This action arises from the killing of Joseph Mann occurring on July 11, 2016.

On June 8, 2017, Plaintiffs filed the Complaint initiating this action. *See* ECF No. 1.

On July 14, 2017, Defendants John C. Tennis and Randy R. Lozoya’s (collectively, “Officer Defendants”) filed a Fed. R. Civ. P. 12(b)(6) motion to dismiss the Complaint. *See* ECF No. 12.

On September 19, 2017, this Court issued an Order denying Officer Defendants’ Fed. R. Civ. P. 12(b)(6) motion to dismiss. *See* ECF No. 23.

On October 11, 2017, Officer Defendants filed an appeal from the Court’s September 19, 2017, Order denying Officer Defendants’ Fed. R. Civ. P. 12(b)(6) motion to dismiss on the basis of qualified immunity. *See* ECF No. 28.

On October 25, 2017, City Defendants moved to stay this action, pending resolution of Officer Defendants’ appeal. *See* ECF No. 34.

II. STATEMENT OF RELEVANT FACTS CONCERNING THE STIPULATION

City Defendants’ motion to stay is currently set for hearing before this Court on December 18, 2017. *See* ECF No. 34.

City Defendants’ counsel did not confirm Plaintiffs’ counsel’s availability to attend a hearing on December 18, 2017, prior to filing City Defendants’ motion to stay, ECF No. 34, and setting that motion for a hearing on December 18, 2017.

Plaintiffs’ counsel is not available to attend a hearing on December 18, 2017, based on an out-of-state vacation arranged and booked prior to the filing of City Defendants’ motion to stay, ECF No. 34.

III. STIPULATION

1. The hearing date set for City Defendants’ motion to stay, ECF No. 34, shall be CONTINUED to **January 8, 2018, at 1:30 p.m.**, which is the next available date for hearing before Judge Shubb that Plaintiffs’ and City Defendants’ counsel are available to attend.

2. The continuance of the hearing shall not alter the parties’ briefing schedule based on the previously-applicable December 18, 2017, hearing date. *See* E.D. Cal. L.R. 230(c) & (d). Therefore, Plaintiffs’ shall file their opposition to City Defendants’ motion to stay, ECF No. 34, by **December 4, 2017**, and City Defendants shall file their reply to Plaintiffs’ opposition to City Defendants’ motion to

1 stay, ECF No. 34, if any, by **December 11, 2017**.

2 IT IS SO STIPULATED.

3 Dated: November 27, 2017

4 Respectfully Submitted,
LAW OFFICE OF MARK E. MERIN

5 /s/ Mark E. Merin

6 By: _____

7 Mark E. Merin
Paul H. Masuhara

8 Attorney for Plaintiffs
9 ROBERT MANN SR., VERN MURPHY-MANN,
DEBORAH MANN, ZACHARY MANN, and
10 WILLIAM MANN

11 Dated: November 29, 2017

12 Respectfully Submitted,
CITY OF SACRAMENTO

13 /s/ Sean D. Richmond
(as authorized on November 29, 2017)

14 By: _____

15 James Sanchez
Sean D. Richmond

16 Attorney for Defendants
17 CITY OF SACRAMENTO, SACRAMENTO
POLICE DEPARTMENT, and SAMUEL D.
18 SOMERS, JR.

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IV. [PROPOSED] ORDER

Pursuant to E.D. Cal. L.R. 230(f) and good cause appearing, the parties' stipulation is GRANTED.

1. The hearing date set for City Defendants' motion to stay, ECF No. 34, shall be CONTINUED to **January 22, 2018, at 1:30 p.m.**, which is the next available date for hearing before Judge Shubb that Plaintiffs' and City Defendants' counsel are available to attend.

2. The continuance of the hearing shall not alter the parties' briefing schedule based on the previously-applicable December 18, 2017, hearing date. *See* E.D. Cal. L.R. 230(c) & (d). Therefore, Plaintiffs' shall file their opposition to City Defendants' motion to stay, ECF No. 34, by **December 4, 2017**, and City Defendants shall file their reply to Plaintiffs' opposition to City Defendants' motion to stay, ECF No. 34, if any, by **December 11, 2017**.

IT IS SO ORDERED.

DATED: November 29, 2017

/s/ JOHN A. MENDEZ
for WILLIAM B. SHUBB
JUDGE, U.S. DISTRICT COURT