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10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

13 CHRISTOPHER LULL,

14 Plaintiff,

15 vs.

16 COUNTY OF SACRAMENTO, CORY
 17 STEWART, MICHAEL DOANE, AND
 DOES 1 to 100,

18 Defendants.

Case No.: 2:17-cv-01211 TLN EFB PS

**STIPULATION TO MODIFY THE
 SCHEDULING ORDER TO EXTEND THE
 TIME TO HEAR DISPOSITIVE MOTIONS
 AND TO VACATE THE TRIAL DATE AND
 RELATED DATES; [~~PROPOSED~~] ORDER
 THEREON**

20 WHEREAS this case commenced on June 9, 2017, and included a Fourth Amendment
 21 cause of action for false arrest (unreasonable seizure);

22 WHEREAS the Court dismissed the Fourth Amendment cause of action without leave to
 23 amend on March 30, 2018 (Docs. 15 & 21);

24 WHEREAS the Court entered a Scheduling Order on May 3, 2019, which set October 19,
 25 2020 as the trial date, and May 20, 2020 as the date by which dispositive motions must be
 26 completed (Doc. 41);

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1 WHEREAS on December 6, 2019, plaintiff CHRISTOPHER LULL moved for
2 reconsideration of the dismissal of his Fourth Amendment claim (Doc. 49);

3 WHEREAS the Court entertained this motion, requested additional briefing, and the
4 motion remains under submission as of the date of this Stipulation (Doc. 55);

5 WHEREAS defendant CORY STEWART intends to file a motion for summary judgment,
6 which would be due no later than mid-April 2020 under the current Scheduling Order;

7 WHEREAS the scope of the issues for defendant's dispositive motion will remain
8 uncertain until the Magistrate Judge issues Findings & Recommendations on the pending motion
9 for reconsideration, and the District Judge reviews them;

10 WHEREAS the parties believe that judicial economy, docket management, and
11 conservation of the parties' resources would be best served by vacating the trial date and
12 modifying the Scheduling Order to allow the parties two months to prepare dispositive motions
13 once the motion for reconsideration has been decided;

14 THEREFORE, the parties hereby stipulate, by and through their counsel of record, as
15 follows:

16 1. That the current Scheduling Order be modified to extend the time to hear
17 dispositive motions to 90 days after the District Judge rules on the pending motion for
18 reconsideration; and

19 2. That the trial date and related dates be vacated, to be re-set as appropriate
20 following the Court's ruling on the dispositive motions;

21 **IT IS SO STIPULATED AND REQUESTED BY THE PARTIES.**

22
23 DATE: March 16, 2020

RIVERA HEWITT PAUL LLP

24
25 /s/ Wendy Motooka

WENDY MOTOOKA

Attorneys for Defendant CORY STEWART

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1 DATE: March 16, 2020

/s/ Christopher Lull (as authorized on 3/16/2020)
CHRISTOPHER LULL (Pro Per)

2
3 **[PROPOSED] ORDER**

4 After considering the Stipulation by and between the parties through their counsel of
5 record, and good cause appearing, IT IS HEREBY ORDERED THAT:

6 1. The Scheduling Order entered on May 3, 2019 is hereby modified as follows:

7 a. The time to hear dispositive motions shall be extended to 90 days after the
8 District Judge rules on the pending motion for reconsideration (Doc. 49);

9 b. The trial date of October 19, 2020 and all related dates are VACATED, to
10 be re-set as appropriate following the Court's ruling on all dispositive motions.

11 **IT IS SO ORDERED.**

12 DATED: March 27, 2020.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE