

1 **VERONICA A.F. NEBB**
 City Attorney, SBN 140001
 2 **BY: KATELYN M. KNIGHT**
 Assistant City Attorney, SBN 264573
 3 **CITY OF VALLEJO**, City Hall
 4 555 Santa Clara Street, 3rd Floor
 Vallejo, CA 94590
 5 Tel: (707) 648-4545
 6 Fax: (707) 648-4687
 Email: katelyn.knight@cityofvallejo.net

7
8 Attorneys for Defendant CITY OF VALLEJO

9
10 **UNITED STATES DISTRICT COURT**

11 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

12 MYRTLE STREET FLATS LLC, d/b/a
13 Sunrise Properties,

14 Plaintiff,

15 vs.

16 CITY OF VALLEJO, a public entity,
 VINCENT SPROETE, an individual, JACK
 17 MCARTHUR, an individual, DANIEL E.
 KEEN, an individual, LONELL BUTLER, an
 18 individual, ROBERT CHAMBERS, an
 individual, MICHELLE HIGHTOWER, an
 19 individual, EMERGENCY
 CONSTRUCTION SERVICES, INC., a
 20 California corporation and DOES 1-25,

21 Defendants.

Case No. 2:17-CV-01662-JAM-KJN

**STIPULATION TO VACATE
 UPCOMING HEARING DATES AND
 CONTINUE DEADLINE FOR
 DISMISSAL**

22
 23 This Stipulation is made and entered into by and between Plaintiff MYRTLE STREET
 24 FLATS LLC, d/b/a Sunrise Properties. (“Plaintiff”) and Defendant City of Vallejo
 25 (“Defendant”), collectively (“the Parties”), to continue the present dismissal deadline and vacate
 26 upcoming hearing dates and trial. The Parties through their respective counsel of record, agree
 27 and stipulate, as follows:
 28

1 WHEREAS, on May 19, 2021 the parties participated in a settlement conference before
2 the Honorable Deborah Barnes and reached an agreement regarding the key terms of settlement,
3 with the parties to finalize a written settlement agreement;

4 WHEREAS, the Court directed dismissal to be filed within 60 days;

5 WHEREAS, the parties have just finalized and executed the settlement agreement, but
6 cannot yet dismiss as payment has not been made;

7 WHEREAS, the pretrial conference remains set for August 20, 2021 and trial set for
8 November 1, 2021;

9 **THE PARTIES AGREE AND STIPULATE** through counsel of record that the
10 upcoming pretrial conference and trial dates be vacated, and the deadline to file dismissal
11 pursuant to the parties' settlement agreement be continued 60 days.

12 **IT IS SO STIPULATED.**

13
14 DATED: July 16, 2021

**WAGSTAFFE, VON LOEWENFELDT,
BUSCH & RADWICK LLP**

15
16
17 By: /s/ Frank Busch
FRANK BUSCH
Attorneys for Plaintiff
MYRTLE STREET FLATS LLC
d/b/a Sunrise Properties

18
19
20
21
22 DATED: July 20, 2021

/s/ Katelyn M. Knight
KATELYN M. KNIGHT
Assistant City Attorney
Attorney for Defendant CITY OF VALLEJO

1 **IT IS SO ORDERED.**

2

3

4 DATED: July 20, 2021

/s/ John A. Mendez

5

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28