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6 Attorneys for Defendant  
 7 Emergency Construction Services, Inc.

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 MYRTLE STREET FLATS, LLC,  
 12 Plaintiff,

13 vs.

14 CITY OF VALLEJO, a public entity; VINCENT )  
 15 SPROETE, an individual; JACK McARTHUR, )  
 16 an individual; DANILE E. KEEN, an individual; )  
 17 LONELL BUTLER, an individual; ROBERT )  
 18 CHAMBERS, an individual; MICHELLE )  
 19 HIGHTOWER, an individual; EMERGENCY )  
 CONSTRUCTION SERVICES, INC., a )  
 20 California Corporation; and DOES 1-25, )  
 Defendants. )

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

**STIPULATION AND ORDER TO EXTEND  
 TIME FOR DEFENDANT EMERGENCY  
 CONSTRUCTION SERVICES, INC. TO  
 FILE AN ANSWER TO PLAINTIFF’S  
 COMPLAINT**

21 Pursuant to Civil L.R. 144(a), Plaintiff Myrtle Street Flats, LLC (“Plaintiff”) and  
 22 Defendant Emergency Construction Services, Inc., (“Defendant”) by and through their  
 23 attorneys of record, respectfully request that the Court give effect to this stipulation related to  
 24 extending the time for Defendant to file an Answer to Plaintiff’s Complaint. The parties,  
 25 through counsel, hereby stipulate as follows:  
 26

- 27 1. Plaintiff filed his Complaint on August 10, 2017.

1           2.       The original deadline for Defendant to file a response to the Complaint was  
2 September 12, 2017.

3           3.       After meeting and conferring, Defendant agreed to extend the deadline to  
4 October 12, 2017 for Defendant to file a response to the Complaint.

5           4.       Plaintiff and Defendants have met and conferred again regarding Defendant's  
6 deadline to file a response to Plaintiff's Complaint. Due to Defendant City of Vallejo's  
7 pending Motion to Dismiss, the parties agreed to extend the deadline for Defendant to file an  
8 answer to Plaintiff's Complaint until after said motion is heard.

9           5.       If the Court grants the request to extend the deadline, Defendant's answer  
10 would be due on November 14, 2017 or twenty-one (21) days after the filing of an amended  
11 complaint.

12 Dated: October 13, 2017

KERR & WAGSTAFFE LLP

13  
14 By: \_\_\_/s/\_\_\_\_\_  
15 Frank Busch, Esq.  
16 Attorney for Plaintiff  
17 Email: busch@kerrwagstaffe.com

18 Dated: October 13, 2017

THE CARDOZA LAW OFFICES, INC.

19 By: \_\_\_/s/\_\_\_\_\_  
20 Jacqueline C. Murphy, Esq.  
21 Attorney for Defendant  
22 Emergency Construction Services, Inc.  
23 Email: [jmurphy@cardolaw.com](mailto:jmurphy@cardolaw.com)

ORDER

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWING, IT IS SO ORDERED that Defendant Emergency Construction Services, Inc.'s answer to Plaintiff's Complaint is due on November 14, 2017 or twenty-one (21) days after the filing of an amended complaint.

Dated: October 16, 2017

/s/ John A. Mendez  
Hon. John A. Mendez  
U.S. District Court Judge  
Eastern District of California

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