

1 **CLAUDIA M. QUINTANA**
 City Attorney, SBN 178613
 2 **BY: ELI FLUSHMAN**
 Deputy City Attorney, SBN 278209
 3 **CITY OF VALLEJO**, City Hall
 4 555 Santa Clara Street, P.O. Box 3068
 Vallejo, CA 94590
 5 Tel: (707) 648-4545
 6 Fax: (707) 648-4687

7 **KEITH R. SCHIRMER, ESQ.**, SBN 087691
 Edrington, Schirmer & Murphy LLP
 8 2300 Contra Costa Blvd. Suite #450
 Pleasant Hill, CA 94523
 9 Tel: (925) 827-3300
 10 Fax: (925) 827-3320

11 Attorneys for Defendants:
 12 CITY OF VALLEJO, VINCENT SPROETE, JACK MCARTHUR, DANIEL E. KEEN,
 13 LONELL BUTLER, ROBERT CHAMBERS, and MICHELLE HIGHTOWER

14 **UNITED STATES DISTRICT COURT**

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

16 MYRTLE STREET FLATS LLC, d/b/a
 17 Sunrise Properties,

18 Plaintiff,

19 vs.

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

26 Defendants.

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

**STIPULATION AND ORDER
 RE: JOINT STATUS REPORT**

27
 28 Plaintiff MYRTLE STREET FLATS, LLC, d/b/a Sunrise Properties and Defendants

1 EMERGENCY CONSTRUCTION SERVICES, INC. and CITY OF VALLEJO, VINCENT
2 SPROETE, JACK MCARTHUR, DANIEL E. KEEN, LONELL BUTLER, ROBERT
3 CHAMBERS, and MICHELLE HIGHTOWER, by and through their counsel of record hereby
4 respectfully request the Court reschedule the due date of the parties' joint status report until a
5 date after the Motion to Dismiss and Motion for Preliminary Injunction hearings set on
6 November 7, 2017.

7 The parties need additional time to complete the joint status report because Defendants'
8 associated counsel joined the case on October 18, 2107, two days before the joint status report
9 was due. Additionally, the parties met and conferred on October 19, 2017 by telephone and
10 agreed much of the substantive information identified in the Court's Order Requiring Joint Status
11 Report (Docket No. 3), including the Rule 26(f) discovery plan, could be more easily answered
12 after the November 7, 2017 hearings.

13
14 Now, therefore, IT IS HEREBY STIPULATED by and between the parties to this action
15 as follows:

16 1. The deadline to complete joint status report shall be continued until November 21,
17 2017 or an alternate date convenient for the Court.

18 IT IS SO STIPULATED.

19 DATED: October 20, 2017

KERR & WAGSTAFFE, LLP

20
21 /s/ Frank Busch
22 James M. Wagstaffe, Esq.
23 Frank Busch, Esq.
24 Attorney for Plaintiff
25 MYRTLE STREET FLATS LLC,
26 d/b/a Sunrise Properties

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: October 20, 2017

CITY OF VALLEJO

/s/ Eli Flushman
Eli Flushman, Esq.
Deputy City Attorney
Attorney for Defendants,
CITY OF VALLEJO, VINCENT SPROETE,
JACK MCARTHUR, DANIEL E. KEEN,
LONELL BUTLER, ROBERT CHAMBERS,
and MICHELLE HIGHTOWER

DATED: October 20, 2017

EDRINGTON, SCHIRMER & MURPHY LLP

/s/ Keith R. Schirmer
Keith R. Schirmer, Esq.
Attorney for Defendants
CITY OF VALLEJO, VINCENT SPROETE,
JACK MCARTHUR, DANIEL E. KEEN,
LONELL BUTLER, ROBERT CHAMBERS,
and MICHELLE HIGHTOWER

DATED: October 20, 2017

THE CARDOZA LAW OFFICES

/s/ Jacqueline C. Murphy
Jacqueline C. Murphy, Esq.
Attorney for Defendant
EMERGENCY CONSTRUCTION
SERVICES, INC.

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the stipulation of the parties, and good cause appearing therefor, IT IS ORDERED that the deadline to complete the joint status report is continued to 11/21/2017.

IT IS SO ORDERED.

DATED: 10/23/2017

/s/ John A. Mendez
U. S. District Court Judge