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8 MYRTLE STREET FLATS LLC, d/b/a Sunrise
Properties

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

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

14 Plaintiff,

15 v.

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

22 Defendants.
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Case No. 2:17-cv-01662-JAM-KJN

**STIPULATION TO CONTINUE PRE-
TRIAL CONFERENCE AND TRIAL**

Judge: Hon. John A. Mendez

STIPULATION

This Stipulation is made and entered into by and between Plaintiff MYRTLE STREET FLATS LLC, d/b/a Sunrise Properties. ("Plaintiff") and Defendant City of Vallejo ("Defendant"), collectively ("the Parties"), in order to continue the pre-trial conference presently set for February 21, 2020, and the trial presently set for March 30, 2020. The Parties through their respective counsel of record, agree and stipulate, as follows:

WHEREAS, the Court has issued its order finally resolving the parties' cross-motions for summary judgment, which do not fully resolve the case;

WHEREAS, in view of the Court's ruling, the Parties participated in private mediation on January 29, 2020;

WHEREAS, the mediation did not result in a settlement, but the parties have continued to negotiate and work towards an alternative resolution of their dispute;

WHEREAS, the Parties prefer to focus on those negotiations prior to finalizing and filing the joint pre-trial conference statement requested by the Court, which is presently due on February 14, 2020; and

WHEREAS, after meeting and conferring, counsel for the Parties have determined that all parties are available to attend a pre-trial conference on April 17, 2020, and would be available for trial on June 8, 2020;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the undersigned counsel, that the pre-trial conference in this matter be continued from February 21, 2020 to April 17, 2020 at 10:00 a.m., and that the trial in this matter be continued from March 30, 2020 to June 8, 2020 at 9:00 a.m.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: February 6, 2020

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

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

DATED: February 6, 2020

/s/ Katelyn Knight (as authorized on February 6, 2020)
KATELYN M. KNIGHT
Deputy City Attorney
Attorneys for Defendant CITY OF VALLEJO

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: February 6, 2020

/s/ John A. Mendez
The Honorable John A. Mendez
United States District Court Judge