

1 Eileen T. Booth - 182974  
 2 Kurtis J. Anders - 269333  
**JACOBSEN & McELROY PC**  
 3 2401 American River Drive, Suite 100  
 Sacramento, CA 95825  
 4 Tel. (916) 971-4100  
 Fax (916) 971-4150  
 5 e-mail: ebooth@jacobsenmcelroy.com  
 6 kanders@jacobsenmcelroy.com

7  
 8 Attorneys for Defendant  
 CARA BAY APARTMENTS LLC (erroneously sued herein as CARABAY  
 9 INVESTORS, LLC)

10 IN THE UNITED STATES DISTRICT COURT  
 11 IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

13 GUY JONES, ) Case No.: 2:18-CV-00343-TLN-KJN  
 14 Plaintiff, )  
 15 vs. ) **STIPULATION AND ORDER TO PERMIT**  
 ) **FILING OF AMENDED ANSWER BY**  
 16 CARABAY INVESTORS, LLC and ) **CARA BAY APARTMENTS LLC**  
 17 DOES 1-20, inclusive, )  
 18 Defendant. )

19  
 20  
 21 Plaintiff GUY JONES (hereafter "Plaintiff") and Defendant CARA BAY  
 22 APARTMENTS LLC (erroneously sued herein as CARABAY INVESTORS, LLC)  
 23 (hereafter "Defendant") hereby stipulate as follows:

- 24 1. Pursuant to Federal R. of Civ. Proc. Rule 15(a)(2), Defendant
- 25 shall be permitted to file an amended answer to the complaint.
- 26 2. Defendant shall file the amended answer within five (5) days
- 27 of service of the entry of the order granting this stipulated
- 28 request.

1 Plaintiff and Defendant have agreed to this stipulation in order  
2 to resolve a dispute now pending between them concerning discovery  
3 propounded by Plaintiff and Defendant's responses thereto. Thus, the  
4 filing of an amended answer is in the interest of justice as it will  
5 permit the parties to resolve a pending dispute without the need for  
6 seeking relief from the court via noticed motion.

7 The Amended Answer will contain the following substantive  
8 changes:

- 9 1. Withdraws the ninth affirmative defense based on undue  
10 financial burden and adjusts the numbering for the other  
11 affirmative defenses accordingly.
- 12 2. Strikes the last dependent clause of the re-numbered twentieth  
13 affirmative defense, which previously stated a defense based  
14 on undue burden.

15 A copy of the Proposed Amended Answer is attached hereto as  
16 exhibit A.

17  
18 IT IS SO STIPULATED:

19  
20 DATED: August 28, 2018

**JACOBSEN & McELROY PC**

21 By:           /s/ Kurtis J. Anders            
22 Eileen T. Booth  
23 Kurtis J. Anders  
24 Attorneys for Defendant  
25 CARA BAY APARTMENTS LLC  
26 (erroneously sued herein as CARABAY  
27 INVESTORS, LLC)  
28

1 DATED: August 28, 2018

**DERBY, MCGUINNESS & GOLDSMITH, LLP**

2 By: /s/ Steven L. Derby

3 Steven L. Derby

4 Celia McGuinness

Attorneys for Plaintiff GUY JONES

5  
6 **SIGNATURE ATTESTATION**

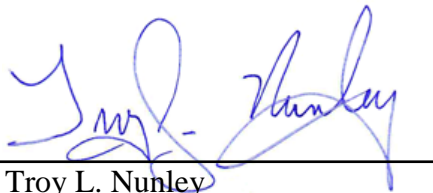
7 Steven L. Derby provided authority to file this stipulation by  
8 affixing his electronic signature.

9  
10 **ORDER**

11 Pursuant to the stipulation and in the interests of justice,  
12 Defendant CARA BAY APARTMENTS LLC (erroneously sued herein as  
13 CARABAY INVESTORS, LLC) is granted leave to file an Amended Answer.  
14 The Amended Answer shall be filed within five (5) days following  
15 service of this order.  
16

17 **IT IS SO ORDERED**

18  
19 Dated: August 31, 2018

20  
21 

22  
23 Troy L. Nunley  
24 United States District Judge