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16 UNITED STATES DISTRICT COURT  
 17 EASTERN DISTRICT OF CALIFORNIA  
 18 SACRAMENTO DIVISION

19 DANIEL HERNANDEZ,

20 Plaintiff,

**NO. 2:18-CV-01316-JAM-EFB**

21 v.

**STIPULATION AND ORDER TO STAY  
 CIVIL ACTION PENDING PLAINTIFF  
 COUNSEL'S MOTION TO WITHDRAW AS  
 ATTORNEY OF RECORD  
 (Rule 143) (Fed. R. Civ. P. 83)**

22 CITY OF STOCKTON; CITY OF  
 STOCKTON POLICE DEPARTMENT;  
 LUIS NAVARRO, in his individual  
 23 capacity as a Stockton Police Officer;  
 MATTHEW WRIGHT, in his individual  
 24 capacity as a Stockton Police Officer;  
 MATTHEW HUFF, in his individual  
 25 capacity as a Stockton Police Officer;  
 SERGEANT RICHARD BUCKLEY,  
 26 in his individual capacity as a Stockton  
 Police Officer; and DOES 1 through  
 27 100, inclusive,

**TRIAL DATE: 6/1/20  
 JUDGE: Hon. John A. Mendez  
 COURTROOM: #6**

28 Defendants.

1 The parties, by and through their respective counsel of record, hereby stipulate that this action be stayed  
2 pending an upcoming hearing on a motion to withdraw as counsel of record being brought by plaintiff's  
3 counsel. Plaintiff counsel's hearing is scheduled for 9/24/19, Courtroom #6, 1:30 p.m., Honorable John  
4 A. Mendez. Plaintiff counsel requests the court order the case stayed on the basis of the following  
5 circumstances:

6 1. Upon a period of time of not being able to contact plaintiff, DANIEL HERNANDEZ, plaintiff's  
7 counsel herein (Davey L. Turner and Robert T. Waters) made a personal visit to his residence. At that time  
8 (for several reasons) it became apparent that it would be necessary for plaintiff's counsel to bring a motion  
9 to withdraw as counsel.

10 2. Plaintiff's counsel in good faith has good reason to believe that their motion to withdraw as attorney  
11 of record will be granted and a good faith belief that Plaintiff's counsel lacks authority to act on plaintiff's  
12 behalf. Absent this stay, it would be difficult, if not impossible, for plaintiff's counsel to timely disclose  
13 expert witnesses for plaintiff and therefore plaintiff could be potentially be prejudiced. As all parties have  
14 stipulated herein, the issuance of the stay will not substantially injure any other party in this proceeding.  
15 Lastly, and for all of these factors, public interest will be served in granting the stay.

16 3. The next approaching date in this matter is the expert witness disclosures under Fed R. Civ. P.  
17 26(a)(2) due by 9/6/19. Jury trial is set for 6/1/20.

18 3. Plaintiff's counsel will be filing a motion to withdraw shortly, however, pending the hearing of that  
19 motion, plaintiff herein requests a stay of the action.

20 DATED: August 8, 2019

21 /s/  
22 DAVEY L. TURNER  
23 Attorney for Plaintiff DANIEL HERNANDEZ

24 DATED: August 8, 2019

25 /s/  
26 CAROLYN FRANK  
27 Attorney for Defendants CITY OF STOCKTON;  
28 STOCKTON POLICE DEPARTMENT,  
LUIS NAVARRO, MATTHEW WRIGHT and  
SERGEANT RICHARD BUCKLEY

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DATED: August 8, 2019

/s/  
BRUCE A. KILDAY  
Attorney for Plaintiff MATTHEW HUFF

**ORDER**

Based upon the stipulation of the parties, and good cause appearing therefor, all proceedings in this matter are hereby stayed (including the soon approaching disclosure of expert witnesses due on 9/6/19) pending the hearing and resolution of plaintiff counsel’s motion to withdraw from this matter presently set for 9/24/19, 1:30 p.m., Courtroom #6.

Additionally, the length and the factors of the stay on the proceedings will be fully discussed at the time of the hearing of plaintiff’s motion to withdraw on 9/24/19.

Dated: August 8, 2019

/s/ John A. Mendez  
U.S. District Court Judge  
HON. JOHN A. MENDEZ