

1 SETH MEREWITZ, Bar No. 195982
seth.merewitz@bbklaw.com
2 MATTHEW L. GREEN, Bar No. 227904
matthew.green@bbklaw.com
3 BEST BEST & KRIEGER LLP
655 West Broadway, 15th Floor
4 San Diego, CA 92101
Telephone: (619) 525-1300
5 Facsimile: (619) 233-6118

6 Attorneys for Plaintiff
DIMENSION PROPERTIES, LLC
7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 DIMENSION PROPERTIES, LLC,
12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA;
15 and CITY OF SACRAMENTO,
16 Defendants.

Case No. 2:18-CV-01865-MCE-CKD
Judge: Hon. Morrison C. England, Jr.

STIPULATION TO FURTHER
EXTEND TIME TO RESPOND TO
COMPLAINT AND COMPLETE
RULE 26(f) CONFERENCE; ORDER
THEREON

Complaint Filed: July 2, 2018

RECITALS

1
2 WHEREAS, on July 2, 2018, Plaintiff Dimension Properties, LLC
3 (“Dimension”) commenced the above-captioned action by filing a Complaint for
4 Declaratory Relief and to Quiet Title (“Complaint”) against Defendants United States
5 of America (“United States”) and City of Sacramento (“City”). (ECF No. 1.)

6 WHEREAS, in the Complaint, Dimension seeks declaratory relief regarding a
7 railroad right of way established by the Pacific Railroad Act of 1862 that traverses
8 real property owned by Dimension in the City of Sacramento, and seeks to quiet its
9 title to the same.

10 WHEREAS, upon filing of the Complaint, the Court issued an Initial Pretrial
11 Scheduling Order, which, among other items, directed the parties to meet and confer
12 as required by Federal Rule of Civil Procedure 26(f) regarding their discovery plan
13 within sixty (60) days of service of the Complaint. (ECF No. 4 at 2:14-16.)

14 WHEREAS, on July 26, 2018, the City filed a Disclaimer of Interest in
15 response to the Complaint. (ECF No. 5.)

16 WHEREAS, since August 2018, respective counsel for Dimension and the
17 United States have been meeting and conferring regarding the action in an effort to
18 reach an amicable resolution of this matter.

19 WHEREAS, in light of the parties’ ongoing settlement efforts, and upon the
20 stipulations of the parties, the Court extended the time for the United States to
21 respond to the Complaint to June 10, 2024, and continued the deadline for the parties
22 to meet and confer as required by Federal Rule of Civil Procedure 26(f) to March 18,
23 2024. (ECF Nos. 8, 10, 13, 16, 18, 20, 22, 24, 26, 29, 31, 33, 35, 37, 39, 41, 43, 45.)

24 WHEREAS, the parties’ settlement discussions and efforts are aimed at
25 reaching a legislative resolution that will moot the action, but progress was
26 significantly hampered as a result of the ongoing COVID-19 pandemic and its impact
27 on Congress beginning in or about March 2020.

28 ///

1 WHEREAS, proposed federal legislation that would moot the action continues
2 to progress toward being introduced in Congress in the near future.

3 WHEREAS, in light of the parties' ongoing efforts to reach an informal
4 resolution, and the continuing progress that has been made toward potential
5 legislation, Dimension and the United States agree (1) that the time for the United
6 States to respond to the Complaint should be further extended to October 14, 2024,
7 and (2) that the deadline for the parties to meet and confer as required by Federal
8 Rule of Civil Procedure 26(f) should be further continued to November 25, 2024.

9 **STIPULATION**

10 IT IS HEREBY STIPULATED by and between Dimension, by and through
11 its counsel of record, Seth Merewitz and Matthew L. Green of Best Best & Krieger
12 LLP, and the United States, by and through its counsel of record, Joseph B. Frueh,
13 Assistant United States Attorney, (1) that the United States shall have until **October**
14 **14, 2024**, to respond to the Complaint in the above-captioned action, and (2) that the
15 parties shall have until **November 25, 2024**, to meet and confer as required by
16 Federal Rule of Civil Procedure 26(f) regarding their discovery plan.

17 Dated: June 4, 2024

BEST BEST & KRIEGER LLP

18
19
20 By: /s/ Matthew L. Green

21 SETH MEREWITZ
22 MATTHEW L. GREEN
23 Attorneys for Plaintiff
24 DIMENSION PROPERTIES, LLC

25 Dated: June 4, 2024

26 By: /s/ Joseph B. Frueh (authorized on 5/31/24)

27 JOSEPH B. FRUEH
28 Assistant United States Attorney
Attorneys for Defendant
UNITED STATES OF AMERICA

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

Pursuant to the stipulation between the parties, (ECF No. 44), the United States shall have until **October 14, 2024**, to respond to the Complaint in the above-captioned action, and (2) the parties shall have until **November 25, 2024**, to meet and confer as required by Federal Rule of Civil Procedure 26(f) regarding their discovery plan.

IT IS SO ORDERED.

Dated: June 5, 2024



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE