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10 Attorneys for Defendants COUNTY OF NAPA and
 11 NAPA COUNTY BOARD OF SUPERVISORS

12
 13 UNITED STATES DISTRICT Court
 14 NORTHERN DISTRICT OF CALIFORNIA

15
 16 DAVID D. WESNER, JANICE L.
 WESNER, AND DON WESNER, INC.

No. CV-08-3377 JSW

17 Plaintiffs,

**JOINT REQUEST TO STAY
 PROCEEDINGS TO FINALIZE
 SETTLEMENT AND ~~PROPOSED~~
 ORDER**

18 v.

19 COUNTY OF NAPA, AND NAPA
 20 COUNTY BOARD OF SUPERVISORS,

21 Defendants.
 _____/

22
 23
 24 The parties, through their respective counsel, jointly request the Court to stay the
 25 proceedings in this matter for three months to allow the parties time to consummate a
 26 pending settlement resolution. As a result of the ENE held in this matter, and
 27 subsequent initial settlement discussions thereat, and followup negotiations by the
 28 parties and their respective attorneys, the parties believe that they have a workable

1 framework for the resolution of this matter. However, because of the land use nature of
2 this action and the need for approval by the governing body, the Board of Supervisors of
3 the County of Napa, the ultimate resolution and drafting and signing of settlement
4 papers are more complicated than usual and require lengthier time to complete and
5 have approved. To this end, it makes more sense for the parties to dedicate their time,
6 money, and resources towards consummating a settlement than expend such time,
7 money, and resources on further litigation in this matter, specifically dealing with
8 deadlines previously set in this matter, including discovery cutoff of May 1, 2009,
9 dispositive motion hearing date of June 26, 2009, last day for expert disclosure of May
10 15, 2009, and finally, a trial date of September 8, 2009. Accordingly, the parties jointly
11 respectfully request this Court to stay this matter for three months and vacate all the
12 current dates, and reschedule them four months hence (the Court calendar permitting),
13 as follows:

- 14 Trial Date: January 11, 2010, at 8:30 AM
- 15 Pretrial Conference: December 14, 2009, at 2:00 PM
- 16 Last Day to Hear Dispositive Motions: Friday, October 30, 2009, at 9:00 AM
- 17 Close of All Discovery: September 1, 2009
- 18 Last Day for Expert Disclosure: September 15, 2009

19 The parties jointly request the foregoing in lieu of a conditional dismissal of this
20 matter, since although the parties are working in good faith in resolution, they believe
21 that maintaining active dates in this matter will have a disciplinary and a positive effect
22 on the parties' prompt and thorough settlement of these proceedings.

23 DATED: April 16, 2009

Respectfully submitted,

24
25 /s/ Frear Stephen Schmid
26 Frear Stephen Schmid, Attorneys for
27 Plaintiffs DAVID D. WESNER, JANICE
28 L. WESNER, and DON WESNER, INC.

1 DATED: April 16, 2009

JONES & DYER

2
3 /s/ Mark A. Jones

4 Mark A. Jones, Attorneys for
5 Defendants COUNTY OF NAPA and
6 NAPA COUNTY BOARD OF
7 SUPERVISORS

8 **ORDER**

9 Pursuant to the aforementioned stipulation, the previously set dates in this matter
10 are hereby vacated, the matter is stayed for three months, and the following new dates
11 are set:

12 Trial Date: January 11, 2010, at 8:30 AM

13 Pretrial Conference: December 14, 2009, at 2:00 PM

14 Last Day to Hear Dispositive Motions: Friday, October 30, 2009, at 9:00 AM

15 Close of All Discovery: September 1, 2009

16 Last Day for Expert Disclosure: September 15, 2009

17 **IT IS SO ORDERED.**

18 DATED: April 16, 2009

19 
20 Jeffrey S. White, Judge of the United
21 States District Court