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 and Garcia

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13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 **ESVIN CALDERON; IRMA CALDERON;**)
et al.,)
 16)
Plaintiffs,)
 17)
vs.)
 18)
GRAZIA BARBARINO; CORRADO)
BARBARINO; MANUEL BARBARINO;)
and the CITY OF SAINT HELENA, a)
California Municipal Corporation,)
 20)
Defendants.)

Case No. C 12-05819 JSW

**STIPULATION AND PROPOSED
ORDER EXTENDING DEADLINES FOR
PLAINTIFFS' OPPOSITION TO THE
CITY'S MOTION TO DISMISS AND THE
CITY'S REPLY AS MODIFIED**

Hearing:
Date: ~~March 29, 2013~~ April 19, 2013
Time: 9:00 am
Place: 450 Golden Gate Ave.
 Courtroom 11

23 Pursuant to Local Rule 6-2, the plaintiffs and defendant City of St. Helena, by
 24 and through their attorneys of record, hereby stipulate to a brief extension of the
 25 deadlines for Plaintiffs' Opposition to Defendant City of St. Helena's Motion to Dismiss,
 26 and the City's Reply to that Opposition. The parties seek an extension of seven days
 27 for Plaintiffs' Opposition, and an extension of three days for the City's Reply. The new
 28 deadline for Plaintiffs' Opposition would be March 12, 2013. The new deadline for the

1 City's reply to that Opposition would be March 22, 2013. The hearing is scheduled for
2 March 29, 2013. The motion at issue, and the extensions sought by way of this
3 stipulation, do not affect the other defendants in this case, Grazia, Corrado, and
4 Salvatore Barbarino.

5 There is good cause to extend the deadlines as requested.

6 First, this application is based on the stipulation of counsel.

7 Second, plaintiffs require additional time to brief their Opposition to the Motion,
8 which was filed at 4:59 pm on February 19, 2013. Since then, Plaintiffs have worked
9 diligently to research and brief the issues raised in the Motion, but require additional
10 time to complete the Opposition.

11 Third, the City is willing to grant Plaintiffs the professional courtesy of a
12 week-long extension of the deadline to file their Opposition to the City's Motion to
13 Dismiss. However, in order to accommodate a long-scheduled vacation that will limit
14 the City's availability to prepare the Reply between March 12 and March 19, should
15 Plaintiffs' extension be granted, Plaintiffs and the City agree that the City requires an
16 additional three days to complete its Reply.

17 Fourth, the requested extensions will not necessitate any changes to the Court's
18 calendar, and they will not delay any proceedings in this case. If the Court grants this
19 request, the reply brief will be filed on or before March 22, 2013 – with a full week
20 remaining before the hearing on March 29, 2013.

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1 For the foregoing reasons, the plaintiffs and defendant City of St. Helena hereby
2 request that the Court extend the deadline for Plaintiffs' Opposition to the City's Motion
3 to Dismiss by seven days – to March 12, 2013 – and extend the deadline for
4 Defendant's Reply to March 22, 2013.

5 IT IS SO STIPULATED.

6 *Counsel filing this stipulation attests that all signatories below have approved this*
7 *document and consent to its filing.*

8 Respectfully submitted,
9 BRANCART & BRANCART

10 Dated: February 28, 2013

11 /s/ Liza Cristol-Deman
12 Liza Cristol-Deman
13 Attorneys for All Plaintiffs Except LUNA

14 LAW OFFICE OF DAVID GRABILL

15 Dated: February 28, 2013

16 /s/ David Grabill
17 David Grabill
18 Attorney for Plaintiffs LUNA; Calderon,
19 Alvarez, Valenciano, Gutierrez, Cirigo, and
20 Garcia

21 CALIFORNIA RURAL LEGAL ASSISTANCE

22 Dated: February 28, 2013

23 /s/ Ilene J. Jacobs
24 Ilene J. Jacobs
25 Jeffery Hoffman
26 Attorneys for LUNA Only

27 BURKE, WILLIAMS & SORENSEN LLP

28 Dated: February 28, 2013

/s/ Nicholas J. Muscolino
Nicholas J. Muscolino
Attorneys for Defendant City of St. Helena

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PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing date is CONTINUED
to April 19, 2013 at 9:00 a.m.

Date: February 28 _____, 2013.



Hon. Jeffrey S. White
U.S. District Judge