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15 Attorneys for Defendant City of Hayward

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18

19 IBIZ, LLC, a California Limited Liability  
 20 Company,

21 Plaintiff,

22 vs.

23 CITY OF HAYWARD, a California  
 municipal corporation,

24 Defendant

Case No. CV 13 1537 SC

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE CMC AND TO  
 ESTABLISH FEES FILING DEADLINE**

**Date of CMC: January 16, 2014**

**Time: 10:00 a.m.**

**Place: Courtroom 1**

26 Pursuant to Local Rule 16-10(c), Plaintiff IBIZ, LLC (“Plaintiff” or “IBIZ”) and  
 27 Defendant the City of Hayward (“Defendant” or the “City”) hereby submit this Stipulation and  
 28

1 [Proposed] Order to continue the Case Management Conference presently set in this Court for  
2 January 16, 2015 at 10 a.m. to March 6, 2015, at 10 a.m., and to establish a deadline of 30 days  
3 following the conclusion of the Settlement Conference proceeding(s) in this case for the filing of  
4 any attorneys fees motions.

5 As set forth in paragraph 16 of the Joint Case Management Statement (Doc. 55) filed on  
6 January 31, 2014, "Whether an attorneys fees motion need be filed will not be determined until  
7 after the conclusion of the ADR [proceedings]. Consequently, the parties propose that the filing  
8 of any attorneys fees motion be scheduled to occur no later than 30 days after the conclusion of  
9 any ADR [proceedings]."

10 The Parties have engaged in substantive discussions regarding settlement of the attorney  
11 fee issue in this matter. Counsel for both parties have agreed upon a settlement figure that must  
12 be approved by the Hayward City Council in order to be finalized. The matter will be presented  
13 to the City Council in closed session during a regularly scheduled meeting in January. In the  
14 event that the settlement is not approved by the City Council, the Parties are still scheduled to  
15 participate in a Settlement Conference with Magistrate Judge Beeler on February 24, 2015.

16 Based on the current status of the case, the parties mutually agree that holding the  
17 currently scheduled Case Management Conference at this stage would be premature and request  
18 that the Court: (1) reschedule the Case Management Conference to March 6, 2015; (2) order that  
19 any fees motions be filed within 30 days after the conclusion of any ADR or Settlement  
20 Conference proceedings addressing the issue of attorneys' fees; and (3) further order that, any  
21 party seeking attorneys fees shall file, within 5 days of the conclusion of such ADR or Settlement  
22 Conference proceedings, a Supplemental Status Report, notifying the court of the conclusion of  
23 such proceedings.

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WESTON, GARROU & MOONEY

DATED: January 6, 2015

By: /s/ John H. Weston (as authorized on 1/5/ 2015)  
JOHN H. WESTON  
Attorney for Plaintiff  
IBiz, LLC

DATED: January 6, 2015

MICHAEL S. LAWSON, CITY ATTORNEY

By: s/ Michael G. Vigilia  
MICHAEL G. VIGILIA  
Assistant City Attorney, City of Hayward  
Attorney for Defendant City of Hayward

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~~PROPOSED~~ ORDER

(1) The Case Management Conference presently set for January 16, 2015 in this case is continued to March 6, 2015 at 10:00 a.m.;

(2) Any fees motions shall be filed within 30 days following the conclusion of any ADR or Settlement Conference proceedings; and

(3) Any party seeking attorneys fees shall file, within 5 days of the conclusion of such ADR or Settlement Conference proceedings, a Supplemental Status Report, notifying the court of the conclusion of such proceedings.

DATED: January 06, 2015

