

United States District Court  
For the Northern District of California

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAX WADMAN and KELLY TOPPING,

Plaintiffs,

No. C 14-05035 WHA

v.


DISCOVERY BAY YACHT HARBOR, LLC,  
NEW DISCOVERY, INC., et al.,

**ORDER DENYING REQUEST  
TO VACATE HEARING**

Defendants.

The Court is in receipt of the declaration of Assistant U.S. Attorney Sara Winslow and appreciates the assistance of Attorney Winslow and Veterans Affairs Attorney Joyce Lewis-Barrett. The Court, however, feels constrained to go ahead with the hearing set for **ELEVEN A.M. ON FEBRUARY 17, 2016**, because the proposed permission for VA employee Laura Gomez to testify is conditional, *i.e.* she “may be authorized to provide fact testimony on one issue, if the parties cannot stipulate to that issue” (Dkt. No. 107 at 2). Furthermore, the Court wants to make sure there are no lingering issues regarding VA employee testimony. Counsel both sides, along with Attorney Winslow and Attorney Lewis-Barrett shall please appear for the hearing tomorrow.

Dated: February 16, 2016.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE