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10 Attorneys for Plaintiff/Counter-defendant  
 KELLY TOPPING and Plaintiff MAX  
 11 WADMAN

12 \* *Defendants' counsel listed after the caption.*

13 IN THE UNITED STATES DISTRICT COURT  
 14 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 MAX WADMAN and KELLY  
 16 TOPPING,  
 17 Plaintiffs,  
 18 v.  
 19 DISCOVERY BAY YACHT HARBOR,  
 LLC; NEW DISCOVERY, INC.;  
 20 DISCOVERY BAY MARINA  
 PROPERTIES, a California General  
 21 Partnership; KEN HOFMANN;  
 WALTER L. YOUNG; RONALD  
 22 DAWSON; WALTER L. YOUNG and  
 MARY C. YOUNG, TRUSTEES OF  
 23 THE YOUNG REVOCABLE TRUST  
 DATED FEBRUARY 11, 1999; AND  
 24 DOES 1-100, inclusive,  
 25  
 26 Defendants.

CASE NO. C14-5035 WHA

Civil Rights

STIPULATED JOINT MOTION FOR  
 ADMINISTRATIVE RELIEF LIFTING  
 GENERAL ORDER 56's STAY OF  
 DISCOVERY AND [~~PROPOSED~~] ORDER  
 THEREON

[Pursuant to: Paragraph 9 of General Order 56  
 and Local Rules 7-11 and 7-12]

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 28 //

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9 Attorneys for Defendant/Counterclaimant  
10 DISCOVERY BAY YACHT HARBOR, LLC,  
11 and Defendant KEN HOFMANN, individually

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**STIPULATED ADMINISTRATIVE MOTION AND  
REQUEST FOR [~~PROPOSED~~] ORDER**

COME NOW, Plaintiff/Counter-Defendant KELLY TOPPING, Plaintiff MAX WADMAN, Defendant/Counterclaimant DISCOVERY BAY YACHT HARBOR, LLC (“DBYH LLC”) and Defendant KEN HOFMANN, being all the parties to the captioned action (the “PARTIES”), and hereby submit the following Stipulated Motion for Administrative Relief Lifting General Order 56’s Stay of Discovery in this action, and respectfully request that the Court issue the [proposed] Order appended to this motion:

1. Plaintiffs MAX WADMAN and KELLY TOPPING filed a Complaint in this action on November 14, 2014, alleging violations of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. sections 12101 *et seq.*, California civil rights laws and common law tort claims against Defendants; NEW DISCOVERY, INC.; DISCOVERY BAY MARINA PROPERTIES, a California General Partnership; KEN HOFMANN; WALTER L. YOUNG; RONALD DAWSON; WALTER L. YOUNG and MARY C. YOUNG, TRUSTEES OF THE YOUNG REVOCABLE TRUST DATED FEBRUARY 11, 1999 (collectively, "Defendants").

2. On July 22, 2015, the mediator appointed in this case, Alex Tse, Esq., filed his Certification of ADR Session reporting that the mediation process had concluded with a partial settlement of this case.

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1 3. On September 2, 2015, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil  
 2 Procedure the following Defendants were dismissed without prejudice, with each party to bear their  
 3 own costs: NEW DISCOVERY, INC.; DISCOVERY BAY MARINA PROPERTIES, a California  
 4 General Partnership; RONALD DAWSON; WALTER L. YOUNG; WALTER L. YOUNG and  
 5 MARY C. YOUNG, TRUSTEES OF THE YOUNG REVOCABLE TRUST DATED FEBRUARY  
 6 11, 1999.

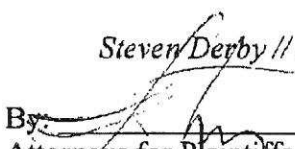
7 4. On September 16, 2015, a Consent Decree resolving the issue of injunctive relief was filed  
 8 jointly by the PARTIES, and September 16, 2014, the Consent Decree was granted by an Order of  
 9 the Court.

10 5. Pursuant to paragraph 9 of General Order 56 and Local Rules 7-11 and 7-12, the PARTIES  
 11 hereby jointly stipulate to this motion and respectfully move the Court for an Order lifting the stay  
 12 of discovery imposed by General Order 56 so that they may forthwith engage in discovery pursuant  
 13 to the Federal Rules of Civil Procedure on the issues which have not been settled. The cut-off for  
 14 lay discovery is December 18, 2015.

15 Dated: September 25, 2015

CELIA McGUINNESS, ESQ.  
 LAW OFFICES OF PAUL L. REIN  
 STEVE DERBY, ESQ.  
 DERBY DISABILITY LAW

*Steven Derby // s //*

19 By:   
 20 Attorneys for Plaintiffs  
 21 MAX WADMAN and KELLY TOPPING

22 Dated: September 25, 2015

RUPERT P. HANSEN, ESQ.  
 COX WOOTTON LERNER GRIFFIN & HANSEN LLP

*Rupert P. Hansen // s //*

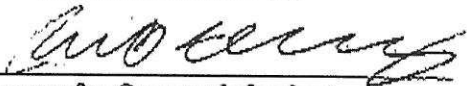
25 By: \_\_\_\_\_  
 26 Attorneys for Defendants KEN HOFMANN, individually,  
 27 and DISCOVERY BAY YACHT HARBOR, LLC

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Dated: September 25, 2015

ROBERT M. MALTZ, ESQ.  
STRATMAN, PATTERSON & HUNTER


*Robert M. Maltz // s //*

By:   
Attorneys for Counterdefendant  
KELLY TOPPING

**ORDER**

Pursuant to stipulation, and for good cause shown, IT IS ORDERED that the stay of discovery imposed in this case by General Order 56 is hereby lifted.

Dated: September 28, 2015

  
Honorable WILLIAM H. ALSUP  
United States District Judge