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9 PACASO INC. and PAC 6 CA 2021 LLC

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 PACASO INC. and PAC 6 CA 2021 LLC,

15 Plaintiffs,

16 v.

17 THE CITY OF ST. HELENA; PLANNING &
18 BUILDING DIRECTOR MAYA DEROSA;
19 MAYOR GEOFF ELLSWORTH; CITY
ATTORNEY ETHAN WALSH; and DOES 1-5,

20 Defendants.
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Case No. 3:21-CV-02493-WHO

**(1) JOINT STIPULATION AND
[PROPOSED] ORDER CONTINUING PRE-
TRIAL AND TRIAL DEADLINES
PURSUANT TO CIVIL LOCAL RULE 6-2
and ORDER CONTINUING CASE
MANAGEMENT CONFERENCE;**

Contemporaneously Filed With:

**(2) DECLARATION OF LANCE A.
ETCHEVERRY IN SUPPORT THEREOF**

Judge: Hon. William H. Orrick
Trial Date: July 11, 2022

1 This Stipulation is entered into by and among plaintiffs Pacaso Inc. and PAC 6 CA 2021 LLC
2 (“Plaintiffs”) and defendants The City of St. Helena, Planning & Building Director Maya DeRosa, Mayor
3 Geoff Ellsworth, and City Attorney Ethan Walsh (collectively, “Defendants” and, with Plaintiffs, “the
4 Parties”), by and through their respective counsel.

5 WHEREAS, Plaintiffs filed a complaint in the above-entitled action in the United States District
6 Court, Northern District of California, on April 6, 2021 (the “Complaint”);

7 WHEREAS, on April 9, 2021, the Action was assigned to the Honorable William H. Orrick,
8 United States District Court Judge;

9 WHEREAS, on June 29, 2021, the Parties submitted a Joint Case Management Statement, which
10 proposed preliminary deadlines for the pre-trial schedule in this action (Dkt. 32);

11 WHEREAS, on July 6, 2021, the Court held a Case Management Conference and thereafter issued
12 Civil Minutes stating that ADR would not be ordered, but encouraging counsel to “discuss the best means
13 and timing of ADR in advance of the next case management conference,” which is scheduled for
14 January 25, 2022, at 2:00 p.m. (Dkt. 35);

15 WHEREAS, the Court has issued a schedule for pre-trial and trial dates as follows (Dkt. 35):

16 **Fact discovery cutoff:** January 28, 2022

17 **Expert disclosure:** February 14, 2022

18 **Expert discovery cutoff:** March 11, 2022

19 **Dispositive Motions heard by:** April 20, 2022

20 **Pretrial Conference:** June 6, 2022 at 2:00 p.m.

21 **Trial:** July 11, 2022 at 8:30 a.m.

22 WHEREAS, the Parties have been actively engaged in written discovery and Plaintiffs and
23 Defendants have served sets of Requests for Admission, Requests for Production of Documents and
24 Special Interrogatories, and responses and objections thereto;

25 WHEREAS, the Parties have been engaged in meet and confer efforts to resolve certain disputes
26 in connection with the Parties’ written discovery;

1 WHEREAS, consistent with the Court’s instruction, the Parties have entered into discussions to
2 explore the possibility of resolving this matter, including telephonic discussions among counsel for the
3 parties;

4 WHEREAS, the Parties have exchanged settlement proposals and have a preliminary
5 understanding as to an overall framework that could be used to resolve the dispute;

6 WHEREAS, to further pursue resolution of this matter, the Parties have scheduled an in-person
7 meeting on January 19, 2022, among counsel and the parties, which will include high-ranking officers of
8 Pacaso and certain members of City Council;

9 WHEREAS, the Parties believe that, with the benefit of additional time and continued focus of
10 the Parties, they will be able to better explore whether a final settlement can be reached;

11 WHEREAS, the Parties all agree that a continuance of the current pre-trial deadlines and trial is
12 necessary to further engage in discovery, and to continue settlement discussions in an attempt to resolve
13 this matter and promote judicial efficiency, and the Parties agree that they will not suffer any prejudice
14 by the requested continuance;

15 WHEREAS, the Parties stipulate that good cause therefore exists for a continuance of all
16 deadlines set forth in the Court’s existing schedule for approximately six months, subject to the Court’s
17 availability.

18 THEREFORE, subject to Court approval, IT IS HEREBY STIPULATED AND AGREED as
19 follows, that:

20 1. The deadline for the completion of fact discovery shall be continued from
21 January 28, 2022, to July 28, 2022.

22 2. The deadline for the designation of expert witnesses shall be continued from
23 February 14, 2022, to August 15, 2022.

24 3. The deadline for the completion of expert discovery shall be continued from
25 March 11, 2022, to September 12, 2022.

26 4. The date by which dispositive motions are heard by shall be continued from
27 April 20, 2022, to October 20, 2022.

1 5. The Pretrial Conference, which is currently scheduled for June 6, 2022, at 2:00 p.m., shall
2 be continued to December 6, 2022, or the earliest date thereafter at the Court’s convenience.

3 6. The trial, which is currently scheduled for July 11, 2022, at 8:30 a.m., shall be continued
4 to January 11, 2023, or the earliest date thereafter at the Court’s convenience.

5 Nothing herein shall be deemed to constitute a waiver of any rights, claims, defense, motion, or
6 objections that a party may have or make with respect to the claims set forth in this action.

7 **IT IS SO STIPULATED.**

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9 Dated: January 7, 2022

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

10 /s/ Lance A. Etcheverry

11 Lance A. Etcheverry

12 Attorneys for Plaintiffs Pacaso Inc. and PAC 6 CA 2021
LLC

13 Dated: January 7, 2022

BEST BEST & KRIEGER LLP

14 /s/ Damian M. Moos

15 Damian M. Moos

16 Attorneys for Defendants The City of St. Helena, Planning
17 & Building Director Maya DeRosa, Mayor Geoff
18 Ellsworth, and City Attorney Ethan Walsh

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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED, as modified below.**

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23 The date by which dispositive motions are heard by shall be continued from April 20, 2022, to
24 **October 26, 2022.**

25 The Pretrial Conference, which is currently scheduled for June 6, 2022, at 2:00 p.m., shall be
26 continued to **December 19, 2022 at 2 p.m.**

1 The trial, which is currently scheduled for July 11, 2022, at 8:30 a.m., shall be continued to
2 **January 23, 2023 at 8:30 a.m.**

3 **The further Case Management Conference shall be continued from January 25, 2022 to**
4 **May 31, 2022 at 2 p.m. The Joint Case Management Conference Statement is due May 24, 2022.**

5 DATED: January 10, 2022

6 
7 Honorable William H. Orrick
8 United States District Court Judge

1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

2 I, Lance A. Etcheverry, attest that concurrence in the filing of this Joint Stipulation And
3 [Proposed] Order Continuing Pre-Trial And Trial Deadlines Pursuant To Civil Local Rule 6-2 has been
4 obtained from the other signatory. I declare under penalty of perjury under the laws of the United States
5 of America that the foregoing is true and correct. Executed this 7th day of January 2022, at Palo Alto,
6 California.

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8 /s/ Lance A. Etcheverry
9 Lance A. Etcheverry