

(SPACE BELOW FOR FILING STAMP ONLY)

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12 Attorneys for Defendants CITY OF EUREKA,  
 ADAM LAIRD, JUSTIN WINKLE, and GARY WHITMER

14 **UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 16 **OAKLAND DIVISION**

17 SIEHNA M. COTTON, a minor, by Megan  
 18 McClure, her guardian ad litem; and MARTIN  
 COTTON, SR., an individual,

19 Plaintiffs,

20 vs.

21 CITY OF EUREKA, CALIFORNIA, a political  
 22 subdivision of the State of California, et al.,

23 Defendants.

Case No. C 08-04386 SBA

**STIPULATION AND ORDER FOR  
 TEMPORARY STAY OF  
 ENFORCEMENT OF JUDGMENT  
 PENDING DISPOSITION OF  
 DEFENDANTS' POST-TRIAL MOTIONS**

24 The parties to this action, by and through their attorneys of record, do hereby enter into the  
 25 following stipulation:

26 WHEREAS judgment was entered in this matter in favor of plaintiffs and against defendants  
 27 herein on September 23, 2011;

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& Allison

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WHEREAS the automatic stay of enforcement of a money judgment pursuant to Fed. R. Civ. P. rule 62(a) has expired;

WHEREAS defendants have filed a motion for new trial, or in the alternative, judgment as a matter of law, currently set to be heard on February 14, 2012;

WHEREAS defendants have also filed a motion to stay enforcement of the judgment without the need for a bond, or in the alternative, to determine the amount and nature of security required to obtain a stay pursuant to Fed. R. Civ. P. rule 62(d) pending any appeal, which motion is also set to be heard on February 14, 2012; and

WHEREAS defendants desire a temporary stay of enforcement of the judgment pending the court's disposition of the aforementioned motions, and plaintiffs desire reassurance that defendants will maintain the financial wherewithal to satisfy the judgment and/or secure any bond that may be required at the hearing on defendants' motion to stay;

THE PARTIES DO HEREBY STIPULATE AS FOLLOWS:

1. The parties stipulate to an order temporarily staying enforcement of the September 23, 2011 judgment pending the disposition of the post-trial motions currently set to be heard on February 14, 2012;
2. The parties further stipulate that defendants shall notify plaintiffs' counsel immediately should there be any change in defendants' coverage for said judgment, such as the issuance of a reservation of rights, or a material change in the financial condition of either of the self-insured joint powers authorities of which defendant City of Eureka is a member (REMIF and CJPRMA).
3. Plaintiffs reserve the right to move the Court to modify or lift the temporary stay for good cause.
4. Any stay of enforcement following the disposition of the aforementioned motions shall be on such terms and conditions as ordered by the court.

SO STIPULATED:

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& Alliston

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DATED: November 15, 2011

MURPHY, CAMPBELL, GUTHRIE & ALLISTON

By: /s/ George E. Murphy  
Attorneys for Defendants City of Eureka et al.

DATED: November 15, 2011

LAW OFFICES OF VICKI I. SARMIENTO

By: /s/ Vicki I. Sarmiento  
Attorneys for Plaintiff Siehna Cotton

DATED: November 15, 2011


LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo  
Attorneys for Plaintiff Martin Cotton

**ORDER**

Upon the parties' stipulation as set forth above, IT IS SO ORDERED.

DATED: 11/15/11

  
\_\_\_\_\_  
Hon. Sandra B. Armstrong  
U.S. District Court Judge

DECLARATION OF SERVICE

I, M'Lisa A. Cunningham, declare as follows:

I am employed in the County of Sacramento, State of California; I am over the age of 18 years and not a party to this action; my business address is 8801 Folsom Boulevard, Suite 230, Sacramento, California 95826, in said County and State. On 11/15/2011, I served:

STIPULATION AND ORDER FOR TEMPORARY STAY OF ENFORCEMENT OF JUDGMENT PENDING DISPOSITION OF DEFENDANTS' POST-TRIAL MOTIONS

on the following person(s) at the following address(es), in the manner indicated below:

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BY UNITED STATES MAIL: I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses shown above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sacramento, CA.



BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers shown above. No error was reported by the fax machine that I used.



BY PERSONAL SERVICE: I personally delivered the documents to the persons at the addresses shown above. (1) For a party represented by any attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

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**BY OVERNIGHT DELIVERY:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses shown above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.



**BY E-MAIL/ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses shown above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



**BY MESSENGER SERVICE\*:** I served the documents by placing them in an envelope or package addressed the persons at the addresses shown above and providing them to a professional messenger for service. **\*See Declaration of Messenger, attached.**

I certify under penalty of perjury that the foregoing is true and correct, and this declaration of service was executed on 11/15/2011, at Sacramento, California.

By: M'Lisa A. Cunningham  
M'Lisa A. Cunningham

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