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 CITY AND COUNTY OF SAN FRANCISCO
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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 CALIFORNIA-NEVADA ANNUAL
 CONFERENCE OF THE UNITED
 METHODIST CHURCH, a California
 13 religious corporation,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
 FRANCISCO, a chartered California city and
 17 county; and DOES 1-100, inclusive,

18 Defendants.

Case No. CV 11-2338 YGR (LB)

**STIPULATION REGARDING SCHEDULING;
 AND ~~PROPOSED~~ ORDER (AS MODIFIED
 BY THE COURT)**

Trial Date: July 8, 2013

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 20 Plaintiff California-Nevada Annual Conference of the United Methodist Church, Defendant
 21 City and County of San Francisco and Intervenor Pacific Polk Properties (collectively the "Parties")
 22 submits this stipulation.

23 The parties continue to engage in robust settlement negotiations with Magistrate Judge Beeler
 24 to achieve a non-litigation outcome for the case. For reasons having to do with the scheduling of
 25 Planning Commission meetings, the parties need until October 2012 to determine whether that
 26 outcome is achievable. Because the parties agree that it makes no sense to expend funds (including
 27 public funds) if a non-litigation outcome is possible, the parties ask the Court to refer this matter to
 28 Magistrate Judge Beeler for case management purposes to facilitate discussion between the parties and

1 other stakeholders. The parties also request that the Court continue the hearing on the motion for
2 judgment on the pleadings until February 5, 2013, which would mean that the City and County of San
3 Francisco and the California-Nevada Annual Conference of the United Methodist Church would file
4 their motions by December 21, 2012.

5 Currently discovery is stayed. The present calendar interval between any discovery motion
6 (and/or Rule 12(c) motion) hearing and trial is approximately ten months. **Intervenor Pacific Polk**
7 **makes the stipulations herein, preserving the ten month interval between discovery hearing and**
8 **trial.** Accordingly, the parties request that the Court continue all pre-trial and trial dates for the same
9 time interval as requested for the motions for judgment on the pleadings (approximately 5 months for
10 each deadline).

11 If the California-Nevada Annual Conference of the United Methodist Church, Pacific Polk
12 Properties and other stakeholders reach an agreement, the City agrees to schedule the matter before the
13 Planning Commission as expeditiously as possible.

14 The parties agree that if a non-litigation outcome is not possible they may jointly request that
15 the Court set a new briefing and hearing schedule on the motions for judgment on the pleadings. The
16 parties anticipate making this decision in August or September of 2012.

17 In light of the foregoing the parties have agreed to stipulate as follows:

18 **PRETRIAL SCHEDULE**

19 NON-EXPERT DISCOVERY CUTOFF: August 12, 2013

20 DISCLOSURE OF EXPERTS (retained/non-retained): Opening: June 10, 2013

21 Rebuttal: July 29, 2013

22 EXPERT DISCOVERY CUTOFF: August 23, 2013

23 DISPOSITIVE MOTIONS: To be heard by: October 10, 2013

24 JOINT PRETRIAL CONFERENCE STATEMENT: Friday, November 8, 2013

25 PRETRIAL CONFERENCE: November 22, 2013 at 9:00 a.m.

26 TRIAL DATE: December 9, 2013 at 8:30 a.m.

27 TRIAL LENGTH: TBD days
28

1 With respect to the parties' requests to file Rule 12(c) motions for judgment on the pleadings:

2 MOTIONS TO BE FILED BY: December 21, 2012

3 OPPOSITIONS TO BE FILED BY: January 18, 2013

4 REPLIES TO BE FILED BY: February 1, 2013

5 MOTIONS TO BE HEARD ON: February 12, 2013

6 Intervenor Pacific Polk and/or the City and County of San Francisco, after appropriate meet
7 and confer, may file cross motions concerning their discovery dispute on the same schedule as the
8 motions for judgment on the pleadings.

9 Discovery shall be stayed until the Court rules on the discovery motions.

10
11 **SIGNATURE ATTESTATION**

12 (U.S.D.C. N.D. Cal. General Order 45, Section X.B.)

13
14 Concurrence in the filing of this document has been obtained from each other signatory, or
15 from the single signatory, in compliance with General Order 45, Section X.B.

16
17 Date: July 12, 2012

DENNIS J. HERRERA
City Attorney

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19 By: /s/ Thomas S. Lakritz

20 THOMAS S. LAKRITZ
tom.lakritz@sfgov.org

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22 FOR PLAINTIFF:

23 Date: July 12, 2012

SIGNATURE LAW GROUP LLP

24 By: /s/ Gordon Egan

25 GORDON EGAN
26 gegan@signaturelawgroup.com
27 Attorney for Plaintiff
28 California Nevada Annual Conference of the United
Methodist Church

1 FOR PLAINTIFF-INTERVENORS:

2 Date: July 12, 2012

O'LEARY WOOD & ROBBINS LLP

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By: /s/ B. Douglas Robbins
B. DOUGLAS ROBBINS
drobbins@owrlaw.com
Attorney for Plaintiff-Intervenor
Pacific Polk Properties LLC

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1 **ORDER**

2 After considering the stipulation of the parties, and good cause appearing,

3 **IT IS HEREBY ORDERED AS FOLLOWS:**

4 The Court refers this matter to Magistrate Judge Beeler for all discovery and case management
5 purposes to facilitate discussion between the parties and other stakeholders. However, the Pretrial
6 Schedule may not be modified without approval of the undersigned.

7 The Court vacates the April 10, 2012 Order and sets the following trial and pretrial dates:

8 **PRETRIAL SCHEDULE**

9 NON-EXPERT DISCOVERY CUTOFF: August 12, 2013

10 DISCLOSURE OF EXPERTS (retained/non-retained): Opening: June 10, 2013
11 Rebuttal: July 29, 2013

12 EXPERT DISCOVERY CUTOFF: August 23, 2013

13 DISPOSITIVE MOTIONS: To be heard by: October 10, 2013

14 JOINT PRETRIAL CONFERENCE STATEMENT: Friday, November 8, 2013

15 PRETRIAL CONFERENCE: November 22, 2013 at 9:00 a.m.

16 TRIAL DATE: December 9, 2013 at 8:30 a.m.

17 TRIAL LENGTH: Ten (10) days

18 With respect to the parties' requests to file Rule 12(c) motions for judgment on the pleadings,
19 and/or discovery motions, the parties will not be required to file letter briefs beforehand. The Court
20 hereby sets the following schedule for these motions:

21 MOTIONS TO BE FILED BY: December 21, 2012

22 OPPOSITIONS TO BE FILED BY: January 18, 2013

23 REPLIES TO BE FILED BY: February 1, 2013


24 MOTIONS TO BE HEARD ON: February 12, 2013

25 This Order terminates Dkt. No. 64.
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IT IS SO ORDERED.

Dated: July 16, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE