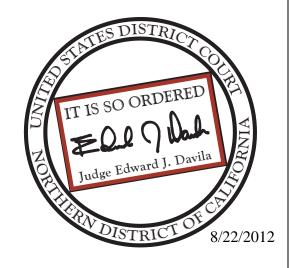
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DANA McRAE, State Bar No. 142231
County Counsel, County of Santa Cruz
JESSICA C. ESPINOZA, State Bar No. 235941
Assistant County Counsel
701 Ocean Street, Room 505
Santa Cruz, California 95060
Telephone: (831) 454-2068
Fax: (831) 454-2115



**Attorneys for Defendant County of Santa Cruz** 

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

RICHARD BAKER,

Plaintiff,
v.

County of Santa Cruz, a political subdivision of the State of California and, DOES 1 - 25,

Defendants.

Case No. 10-03925 EJD

STIPULATED REQUEST FOR AN ORDER TO CONTINUE THE PRELIMINARY PRETRIAL CONFERENCE; DECLARATION OF JESSICA C. ESPINOZA IN SUPPORT

Pursuant to Local Rule 6-2, plaintiff RICHARD BAKER and defendant COUNTY OF SANTA CRUZ hereby submit this stipulation requesting an order to continue the preliminary pretrial conference currently scheduled for August 31, 2012 for 45 days or until after defendant's Motion For Summary Judgment, Or In The Alternative, Summary Adjudication ("motion for summary judgment") is ruled upon, whichever is later.

This request is based on the following grounds: on May 1, 2012 defendant County filed a motion for summary judgment which was taken under submission without oral argument on July 3, 2012. The parties agree that the outcome of the motion for summary judgment will significantly impact the parties' trial preparation and time estimates. At this time, the parties believe that continuing the preliminarily pretrial conference until after the motion is ruled upon would result in a more constructive pretrial statement and conference. Accordingly, given the potential impact of

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1	defendant's motion for summary judgment on trial preparation, the parties stipulate and request an
2	order continuing the preliminary pretrial conference for 45 days or until after the motion for
3	summary judgment has been ruled upon, whichever is later. This time modification shall not impact
4	the trial date or any other scheduled date as no trial date has been scheduled and there are no
5	remaining deadlines.
6	This is the third stipulated request for an extension of time filed by the parties in this action.
7	The first stipulated request, filed on June 23, 2011, continued the discovery deadline four months
8	and did not impact the schedule of this case as the remaining deadlines and pretrial date had been
9	terminated pursuant to the reassignment order. The second stipulated request, filed on January 24,
10	2012, continued the settlement and pretrial conference 60 days and did not impact the trial date as no
11	trial date had been scheduled.
12	
13	Dated: August 14, 2012  By:
14	RICHARD BAKER  Plaintiff In Pro Per
15	
16	Dated: August 14, 2012 DANA McRAE, COUNTY COUNSEL
17	
18 19	By: /S/ JESSICA C. ESPINOZA
20	Assistant County Counsel
21	Attorneys for Defendant County of Santa Cruz
22	
23	IT IS SO ORDERED. The Preliminary Pretrial Conference is continued from August 31, 2012 at 11:00 AM to
24	October 12, 2012 at 11:00 AM. The parties shall file a joint case management conference
25	statement on or before October 2, 2012
26	Dated: August 22, 2012
27	United States District Judge
28	Edward J. Davila

## 

## DECLARATION OF JESSICA C. ESPINOZA

I, Jessica C. Espinoza, hereby declare:

- 1. I am an attorney at law licensed to practice before all the courts of the State of California. I am employed as an Assistant County Counsel with the Santa Cruz County Counsel's Office, attorneys for defendants in this action. I have personal knowledge of the facts set forth below, and if called upon to testify thereto I could and would do so competently.
- 2. The County filed a Motion For Summary Judgment, Or In The Alternative, Summary Adjudication ("motion") on May 1, 2012. The motion was taken under submission without oral argument on July 3, 2012.
- 3. On August 13, 2012, I contacted Mr. Baker to draft the joint preliminary pretrial conference statement. During that telephone call the parties established that the outcome of the motion for summary judgment would significantly impact the parties' trial preparation and time estimates. Any discussion about the trial and related issues was speculative while the motion for summary judgment/adjudication was pending.
- 4. Accordingly, the parties agreed that continuing the preliminarily pretrial conference until after the motion was ruled upon would result in a more constructive pretrial statement and conference.

I declare under penalty of perjury under the laws of the State of California that the information herein is true and correct. Executed this 14<sup>rd</sup> day of August 2012, at Santa Cruz, California.

JESSICA C. ESPINOZA

## 1 PROOF OF SERVICE 2 I, the undersigned, state that I am a citizen of the United States and employed in the County 3 of Santa Cruz, State of California. I am over the age of 18 years and not a party to the within action. 4 My business address is 701 Ocean Street, Room 505, Santa Cruz, California 95060. On the date set 5 out below, I served a true copy of the following on the person(s)/entity(ies) listed below: 6 STIPULATED REQUEST FOR AN ORDER TO CONTINUE THE PRELIMINARY PRETRIAL CONFERENCE; 7 DECLARATION OF JESSICA C. ESPINOZA IN SUPPORT 8 by service by mail by placing said copy enclosed in a sealed envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid. Q 10 by service by mail by placing said copy enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business I am readily familiar with this business's practice for collecting and processing 11 correspondence for mailing. On the same day that correspondence is placed for collection and 12 mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid. 13 by **personal service** at a.m./p.m. at 14 by express or overnight mail by depositing a copy in a post office, mailbox, sub-post office, 15 substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of express mail or a mailbox, mail chute, or other like facility regularly maintained by an 16 overnight mail company, in a sealed envelope, with express mail postage paid addressed to the below listed person(s). 17 by express or overnight mail by arranging for pick-up by an employee of an express/overnight 18 mail company on: 19 by **facsimile service** at the number listed below and have confirmation that it was received by: 20 Richard Baker 26028 Highland Way 21 Los Gatos, CA 95033 22 23 I declare under penalty of perjury that the foregoing is true and correct. Executed on August 24 14, 2012 at Santa Cruz, California. 25 MARIA VARGAS 26 27

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