

1 DANA McRAE, State Bar No. 142231
 County Counsel, County of Santa Cruz
 2 JESSICA C. ESPINOZA, State Bar No. 235941
 Assistant County Counsel
 3 701 Ocean Street, Room 505
 Santa Cruz, California 95060
 4 Telephone: (831) 454-2068
 Fax: (831) 454-2115



8/22/2012

5 **Attorneys for Defendant County**
 6 **of Santa Cruz**

7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**
 9

<p>10 RICHARD BAKER, 11 12 Plaintiff, 13 v. 14 COUNTY OF SANTA CRUZ, a political subdivision of the State of California and, DOES 15 1 - 25, 16 Defendants.</p>	<p>Case No. 10-03925 EJD STIPULATED REQUEST FOR AN ORDER TO CONTINUE THE PRELIMINARY PRETRIAL CONFERENCE; DECLARATION OF JESSICA C. ESPINOZA IN SUPPORT</p>
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 18 Pursuant to Local Rule 6-2, plaintiff RICHARD BAKER and defendant COUNTY OF
 19 SANTA CRUZ hereby submit this stipulation requesting an order to continue the preliminary
 20 pretrial conference currently scheduled for August 31, 2012 for 45 days or until after defendant's
 21 Motion For Summary Judgment, Or In The Alternative, Summary Adjudication ("motion for
 22 summary judgment") is ruled upon, whichever is later.

23 This request is based on the following grounds: on May 1, 2012 defendant County filed a
 24 motion for summary judgment which was taken under submission without oral argument on July 3,
 25 2012. The parties agree that the outcome of the motion for summary judgment will significantly
 26 impact the parties' trial preparation and time estimates. At this time, the parties believe that
 27 continuing the preliminarily pretrial conference until after the motion is ruled upon would result in a
 28 more constructive pretrial statement and conference. Accordingly, given the potential impact of

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 14th day of August 2012, at Santa Cruz, California.

/S/
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**
7 **THE PRELIMINARY PRETRIAL CONFERENCE;**
8 **DECLARATION OF JESSICA C. ESPINOZA IN SUPPORT**

9 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.

10 by **service by mail** by placing said copy enclosed in a sealed envelope and placing the envelope
11 for collection and mailing on the date and at the place shown below following our ordinary business
12 practices. I am readily familiar with this business's practice for collecting and processing
13 correspondence for mailing. On the same day that correspondence is placed for collection and
14 mailing, it is deposited in the ordinary course of business with the United States Postal Service with
15 postage fully prepaid.

16 by **personal service** at a.m./p.m. at _____.

17 by **express or overnight mail** by depositing a copy in a post office, mailbox, sub-post office,
18 substation, mail chute, or other like facility regularly maintained by the United States Postal Service
19 for receipt of express mail or a mailbox, mail chute, or other like facility regularly maintained by an
20 overnight mail company, in a sealed envelope, with express mail postage paid addressed to the
21 below listed person(s).

22 by **express or overnight mail** by arranging for pick-up by an employee of an express/overnight
23 mail company on:

24 by **facsimile service** at the number listed below and have confirmation that it was received by:

25 **Richard Baker**
26 **26028 Highland Way**
27 **Los Gatos, CA 95033**

28 I declare under penalty of perjury that the foregoing is true and correct. Executed on August
14, 2012 at Santa Cruz, California.

/S/
MARIA VARGAS