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CITY OF WATSONVILLE; CARLOS PALACIOS,  
MANNY SOLANO, and TERENCE MEDINA  
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9 UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

11 FRANCISCO IBARRA,  
12 Plaintiff,

13 v.

14 CITY OF WATSONVILLE; CARLOS  
PALACIOS, individually and as City  
15 Manager; MANNY SOLANO, individually  
and as Asst. Chief and/or Chief of Police;  
16 TERENCE MEDINA, individually and as  
former Chief of Police; BELCHER, EHLE,  
17 MEDINA and ASSOCIATES; TWENTY  
UNKNOWN CITY AND OTHER  
18 EMPLOYEES,

19 Defendants.  
20

Case No. 5:12-cv-02271-EJD

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO STAY CASE AS MODIFIED BY THE COURT**

Courtroom: 4  
Judge: Hon. Edward J. Davila

21 **STIPULATION**

22 In furtherance of judicial economy and to avoid potentially unnecessary expense, the  
23 undersigned counsel for and on behalf of the parties named below wish to stay all proceedings in  
24 this action pending a final outcome in Plaintiff's Writ of Administrative Mandamus ("Writ"),  
25 filed in Santa Cruz County Superior Court, Case No. CISCV 173577.

26 Accordingly, Plaintiff FRANCISCO IBARRA ("Plaintiff") and Defendants CITY OF  
27 WATSONVILLE, CARLOS PALACIOS, MANNY SOLANO, TERENCE MEDINA, and  
28 BELCHER, EHLE, MEDINA AND ASSOCIATES ("Defendants") by and through their

1 respective counsels (collectively referred to as “the parties”) hereby STIPULATE and AGREE as  
2 follows:

3 WHEREAS Plaintiff filed a petition in Santa Cruz County Superior Court to obtain a Writ  
4 of Administrative Mandamus on March 16, 2012;

5 WHEREAS Plaintiff filed this action (“Civil Action”) in United States District Court for  
6 the Northern District of California on May 4, 2012;

7 WHEREAS many of the same underlying facts and legal issues are presented in the Writ  
8 and the Civil Action;

9 WHEREAS Defendants filed a Motion to Dismiss the Civil Action on November 13, 2012  
10 and the Court granted Defendants’ Motion on February 15, 2013, allowing Plaintiff 30 days leave  
11 to amend;

12 WHEREAS a hearing on the Writ is set for March 27, 2013;

13 WHEREAS the parties acknowledge that the earliest date a decision can become final in  
14 the Writ is when the sixty day window to appeal any Superior Court decision on the Writ has  
15 expired, pursuant to Cal. Rules of Ct. 8.104;

16 WHEREAS the parties wish to stay all proceedings in this matter at the present time,  
17 including hearings, briefings, appearance, and any other deadlines imposed by law or the Court,  
18 pending a final decision being entered in the related Writ, which is economically and judicially  
19 efficient;

20 WHEREAS the parties further stipulate and agree that the extension requested herein is  
21 not requested for the purposes of delay and will not result in any prejudice to the parties or to the  
22 Court;

23 **IT IS THEREFORE STIPULATED AND AGREED** by Plaintiff and Defendants, by  
24 and through their respective counsel, and the Court is respectfully requested to order that:

- 25 1. This action is hereby stayed until such a date as a final decision on the Writ is  
26 entered. Counsel for Defendant City shall notify this Court and all parties in this  
27 action when a final decision on the Writ has been entered;
- 28 2. The deadline for Plaintiff to file his amended pleading in this Civil Action is



1 Dated: February 21, 2013

ATCHISON BARISONE CONDOTTI &  
KOVACEVICH

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3  
4 By: 

George Kovacevich  
Attorneys for Defendant  
BELCHER, EHLE, MEDINA AND  
ASSOCIATES

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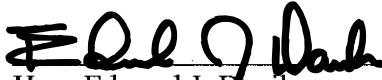
**PROPOSED ORDER**

Pursuant to the foregoing stipulation, and good cause appearing, I hereby Order that:

1. This action is hereby stayed until such a date as a final decision is entered on the Writ of Administrative Mandamus, Santa Cruz County Superior Court Case No. CISCV 173577 or until April 30, 2013, whichever date occurs first. Counsel for Defendant City shall notify the court when a final decision on the Writ has been entered. This stay may be extended on the request of the parties should the circumstances so warrant;
2. The deadline for Plaintiff to file his amended pleading in this Civil Action is extended to 30 calendar days after the date on which final judgment is entered on the Writ;
3. All current deadlines in this Civil Action are vacated, and the Court will set a new Case Management Schedule when the stay ends.

The court schedules this case for a Case Management Conference on June 7, 2013, at 10:00 a.m. The parties shall file a Joint Case Management Statement on or before May 31, 2013.

Dated: February 26, 2013

  
 Hon. Edward J. Davila  
 United States District Judge

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