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8 CITY OF FRESNO, JERRY DYER AND
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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

12 ISIAH MURRIETTA-GOLDING,
Deceased, THROUGH HIS
13 SUCCESSOR IN INTEREST
CHRISTINA PAULINE LOPEZ; and
14 CHRISTINA PAULINE LOPEZ,
Individually,,

15 Plaintiffs,

16 v.

17 CITY OF FRESNO, a public entity,
18 CITY OF FRESNO POLICE CHIEF
JERRY DYER, SERGEANT RAY
19 VILLALVAZO, individually, and
DOES 3 through 10, Jointly and
20 Severally,,

21 Defendants.

22 ISIAH MURRIETTA-GOLDING,
Deceased, THROUGH HIS
23 SUCCESSOR IN INTEREST
ANTHONY GOLDING; and
24 ANTHONY GOLDING, Individually,,

25 Plaintiffs,

26 v.

27 CITY OF FRESNO, et al.,

28 Defendants.

Case No. 1:18-cv-00314-AWI-SKO
[Anthony W. Ishii, District Judge;
Sheila K. Oberto, Magistrate Judge]

**STIPULATION AND ORDER
CONTINUING PRETRIAL
CONFERENCE AND TRIAL DATE**

[Proposed Order Filed Concurrently]

(Doc. 75)

Complaint Filed: 03/07/2018
Trial Date: 10/27/2020

1 Plaintiffs ISIAH MURRIETTA-GOLDING through his Successors in Interest
2 CHRISTINA PAULINE LOPEZ and ANTHONY GOLDING, CHRISTINA
3 PAULINE LOPEZ individually, and ANTHONY GOLDING individually
4 ("Plaintiffs"), and Defendants CITY OF FRESNO, JERRY DYER, and SGT. RAY
5 VILLALVAZO ("Defendants") hereby stipulate and respectfully request that the
6 Court reset and modify the case management schedule and operative remaining
7 deadlines for the following good cause.

8 **STATEMENT OF GOOD CAUSE RE CONTINUANCE OF FINAL**
9 **PRETRIAL CONFERENCE AND TRIAL DATE.**

10 1. On August 5, 2020, United States Magistrate Judge Sheila Oberto held a
11 pre-settlement conference teleconference with counsel for the parties in this matter.
12 At that time, given certain impediments to conducting a meaningful settlement
13 conference at this time (which shall remain confidential), and since defendants'
14 motion for summary judgment is still pending, the Court determined that it would be
15 unproductive to proceed with the previously-scheduled August 19, 2020, settlement
16 conference.

17 2. The Court also addressed that due to the continuing logistical/scheduling
18 issues presented by the ongoing COVID-19 pandemic, the likelihood that the October
19 27, 2020, trial date would proceed as currently scheduled was greatly diminished.

20 3. Because of the foregoing issues, and to allow additional time for the
21 impediments to a productive settlement conference to be resolved, the parties agree
22 that good cause exists for a continuance of the Court's settlement conference, pretrial
23 conference, and trial date in this matter.

24 4. Additionally, plaintiffs' counsel and the City's counsel previously agreed
25 that as to plaintiff Lopez's depositions of the City's Rule 30(b)(6) "PMK" deposition,
26 and Officer G. Gutierrez, these depositions could proceed after the March 2, 2020,
27 deadline for completion of non-expert discovery. As to these depositions, in view of
28 the continuing pandemic and related travel restrictions, the parties further agree that

1 good cause exists for these depositions to now proceed on or before November 30,
2 2020.

3 **STIPULATION FOR CONTINUANCE OF THE SCHEDULING ORDER AND**
4 **CASE MANAGEMENT DEADLINES.**

5 5. Therefore, based upon the foregoing good cause, the parties stipulate and
6 jointly request that the Court continue the deadlines for plaintiffs' depositions of the
7 City's PMK and Officer Gutierrez, the settlement conference, final pretrial
8 conference, and trial date as follows:

<i>Case Management Event:</i>	<i>Prior-Operative Date-Deadline:</i>	<i>NEW Date-Deadline:</i>
Non-expert Discovery Cut-Off – Last Day to Complete Pltfs' Depositions of City's PMK & Ofcr. Gutierrez	March 2, 2020	November 30, 2020
Settlement Conference	August 19, 2020	January 20, 2021
Final Pre-Trial Conference	September 1, 2020	February 2, 2021
TRIAL	October 27, 2020 at 8:30 a.m.	March 30, 2021 at 8:30 a.m.

16 6. Except as specified herein above, all other dates and deadlines operative
17 as of the Court's scheduling orders [*e.g.*, Dkt. 22, 34, 43, 47, and 51] shall remain
18 unchanged and unaffected by the parties' stipulation.
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1 7. This Stipulation may be signed in counterpart and a facsimile or
2 electronic signature shall be as valid as an original signature.

3 **IT IS SO STIPULATED.**

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5 DATED: August 12, 2020

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

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7
8 By: /s/ *Mildred K. O'Linn*

9 Mildred K. O'Linn, Esq.

10 Tony M. Sain, Esq.

11 Lynn L. Carpenter, Esq.

12 Attorneys for Defendants,

13 CITY OF FRESNO, JERRY DYER, AND

14 RAY VILLALVAZO
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MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

1 DATED: August 12, 2020

STUART R. CHANDLER APC

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3 By: /s/ *Stuart Chandler*

4 Stuart R. Chandler, Esq.
5 Attorney for Plaintiffs, ISIAH
6 MURRIETTA-GOLDING, by and through
7 his successor in interest ANTHONY
8 GOLDING, and ANTHONY GOLDING
9 individually

10 DATED: August 12, 2020

HADDAD & SHERWIN, LLP

11 By: /s/ *Michael J. Haddad*

12 Michael J. Haddad, Esq.
13 Julia Sherwin, Esq.
14 Teresa D. Allen, Esq.
15 Attorneys for Plaintiffs, ISIAH
16 MURRIETTA-GOLDING, by and through
17 his successor in interest CHRISTINA
18 PAULINE LOPEZ, and CHRISTINA
19 PAULINE LOPEZ individually
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Pursuant to the above-stipulation of the parties (Doc. 75) and for good cause shown, the schedule in this case (Docs. 34, 65) is MODIFIED, *with dates adjusted to comport with the Court's calendar*, as follows:

<i>Case Management Event:</i>	<i>Prior-Operative Date-Deadline:</i>	<i>NEW Date-Deadline:</i>
Non-expert Discovery Cut-Off – Last Day to Complete Pltfs' Depositions of City's PMK & Ofcr. Gutierrez	March 2, 2020	November 30, 2020
Settlement Conference	August 19, 2020	January 21, 2021 at 10:30 a.m.
Final Pre-Trial Conference	September 2, 2020	February 3, 2021 at 10:00 a.m.
TRIAL	October 27, 2020 at 8:30 a.m.	March 30, 2021 at 8:30 a.m.

IT IS SO ORDERED.

Dated: **August 14, 2020**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE