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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEONARD FYOCK, SCOTT)
HOCHSTETLER, WILLIAM DOUGLAS,)
DAVID PEARSON, BRAD SEIFERS, and)
ROD SWANSON,)

Plaintiffs,)

vs.)

THE CITY OF SUNNYVALE, THE)
MAYOR OF SUNNYVALE, ANTHONY)
SPITALERI in his official capacity, THE)
CHIEF OF THE SUNNYVALE)
DEPARTMENT OF PUBLIC SAFETY,)
FRANK GRGURINA, in his official)
capacity, and DOES 1-10,)

Defendants.)

CASE NO: CV-13-05807 RMW

**STIPULATION OF PARTIES TO STAY
PROCEEDINGS AND [PROPOSED]
ORDER**

1 This stipulation is entered into by and among Plaintiffs LEONARD FYOCK, SCOTT
 2 HOCHSTETLER, WILLIAM DOUGLAS, DAVID PEARSON, BRAD SEIFERS, and ROD
 3 SWANSON, and Defendants THE CITY OF SUNNYVALE, MAYOR ANTHONY SPITALERI,
 4 and CHIEF FRANK GRGURINA (collectively “the City”), by and through their respective
 5 attorneys of record, pursuant to Northern District Local Rule 7-12.

6 WHEREAS, this Court entered a denial of Plaintiffs’ Motion for Preliminary Injunction
 7 on March 5, 2014;

8 WHEREAS, Plaintiffs appealed this Court’s denial of their Motion for Preliminary
 9 Injunction to the Ninth Circuit on March 5, 2014;

10 WHEREAS, the Court retains jurisdiction to stay its own proceedings pending appeal,
 11 see, e.g., *Gray v. Golden Gate Nat’l Recreation Area*, No. 08-00722, 2011 WL 6934433, at *1
 12 (N.D. Cal. Dec. 29, 2011); see also Fed. R. App. P. 8;

13 WHEREAS, neither party will be harmed by the issuance of a stay—instead, “granting a
 14 stay will benefit both parties to this action by sparing them the expense of contemporaneous
 15 litigation and the accompanying fees and expenditure of time” inherent in pursuing litigation in
 16 both this Court and the Court of Appeals. See Order at 6, *Baker v. Kealoha*, No. 11-00528 (D.
 17 Haw. June 19, 2012).

18 IT IS HEREBY STIPULATED by and between all parties through their respective
 19 counsel that further proceedings in this matter, including discovery, pre-trial motions, and trial,
 20 shall be stayed until further order of this Court, pending resolution of Plaintiffs’ appeal of this
 21 Court’s interlocutory order denying Plaintiffs’ Motion for Preliminary Injunction.

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1 IT IS FURTHER STIPULATED that Plaintiffs' counsel shall file with this Court a copy
2 of the Ninth Circuit's decision in Plaintiffs' interlocutory appeal in this action within ten (10)
3 days from its issuance.

4 Date: March 21, 2014

MICHEL & ASSOCIATES, P.C.

5
6 /s/ Anna M. Barvir

7 ANNA M. BARVIR
8 Attorney for Plaintiffs Leonard Fyock, Scott
9 Hochstetler, William Douglas, David Pearson,
Brad Seifers, and Rod Swanson

10 Date: March 21, 2014

FARELLA BRAUN + MARTEL LLP

11
12 * /s/ Roderick M. Thompson
13 RODERICK M. THOMPSON
14 Attorney for Defendants The City of
15 Sunnyvale, Mayor Anthony Spitaleri, and
16 Chief Frank Grgurina
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27 _____
28 * Pursuant to Local Rule 5-1(i)(3), this signatory, on whose behalf the filing is submitted,
concurs in this filing's content and has authorized this filing.

[PROPOSED] ORDER

GOOD CAUSE APPEARING THEREFORE and in accordance with the Stipulation of Parties to Stay Further District Court Proceedings, IT IS HEREBY ORDERED THAT:

1. All proceedings in this matter, including discovery, pre-trial motions, and trial, shall be stayed until further order of this Court, pending resolution of Plaintiffs' appeal of this Court's interlocutory order denying Plaintiffs' Motion for Preliminary Injunction.

2. Plaintiffs' counsel shall file with this Court a copy of the Ninth Circuit's decision in Plaintiffs' interlocutory appeal in this action within ten (10) days from its issuance.

The Court further orders as follows:

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

Honorable Judge Ronald M. Whyte
United States District Court Judge

LEONARD FYOCK, SCOTT)
HOCHSTETLER, WILLIAM DOUGLAS,)
DAVID PEARSON, BRAD SEIFERS, and)
ROD SWANSON,)
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Plaintiffs,)
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vs.)
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THE CITY OF SUNNYVALE, THE)
MAYOR OF SUNNYVALE, ANTHONY)
SPITALERI, in his official capacity, THE)
CHIEF OF THE SUNNYVALE)
DEPARTMENT OF PUBLIC SAFETY,)
FRANK GRGURINA, in his official)
capacity, and DOES 1-10,)
)
)
Defendants.)
)

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

**STIPULATION OF PARTIES TO STAY PROCEEDINGS
AND [PROPOSED] ORDER**

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/s/ C. D. Michel
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