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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN JOSE DIVISION**

20 CELERINA NAVARRO, JANET STEVENS,
21 ARMANDO COVARRUBIAS, EVELYN
22 ESTRADA, GABRIEL RANGEL JAIME,
22 ALMA ALDACO, and all others similarly
23 situated,

23 Plaintiffs,

24 v.

25 THE CITY OF MOUNTAIN VIEW,

26 Defendant.

Case No. 5:21-cv-05381-NC

**THIRD STIPULATION AND
[PROPOSED] ORDER TO STAY
LITIGATION AND ENFORCEMENT
AND CONTINUE LITIGATION
SCHEDULE**

1 Plaintiffs Celerina Navarro, Janet Stevens, Armando Covarrubias, Evelyn Estrada,
2 Gabriel Rangel Jaime, and Alma Aldaco (“Plaintiffs”), and Defendant the City of Mountain
3 View (“the City”) (collectively, the “Parties”) agree as follows:

4 WHEREAS, on July 14, 2021, Plaintiffs filed a Class Action Complaint challenging the
5 City’s implementation of Ordinance No. 14.19 (the “Bike Lanes Ordinance”), amending
6 Chapter 19 of the Mountain View City Code, and Ordinance No. 15.19 (the “Narrow Streets
7 Ordinance”), amending Chapter 36 and Chapter 19 of the Mountain View City Code
8 (collectively, the “Ordinances”);

9 WHEREAS, on August 31, 2021, the Court issued a Case Management Scheduling Order
10 setting various deadlines, including deadlines to complete discovery and a trial date;

11 WHEREAS, on November 8, 2021, the Court issued an Order Granting in Part and
12 Denying in Part the City’s Motion to Dismiss, while providing Plaintiffs leave to amend the
13 dismissed claims, and denying Plaintiffs’ Motion for Preliminary Injunction;

14 WHEREAS, on November 17, 2021, the Parties commenced informal settlement
15 discussions;

16 WHEREAS, on November 22, 2021, the Parties filed a stipulation agreeing to extend any
17 and all discovery deadlines until January 14, 2022;

18 WHEREAS, on November 23, 2021, the Court granted the Parties’ stipulated request for
19 an order continuing Plaintiffs’ deadline to file an amended complaint until January 14, 2022;

20 WHEREAS, on January 5, 2022, the Parties filed a Stipulation and [Proposed] Order to
21 Stay Litigation and Enforcement and Continue the Litigation Schedule for 90 days, which this
22 Court granted on January 5, 2022, so that the litigation and enforcement were stayed until
23 April 5, 2022;

24 WHEREAS, on March 28, 2022, the Parties filed a Second Stipulation and [Proposed]
25 Order to Stay Litigation and Enforcement and Continue the Litigation Schedule for an additional
26 90 days, which this Court granted on March 30, 2022, so that the litigation and enforcement were
27 stayed until July 4, 2022;

28

1 WHEREAS, the Parties have engaged in ongoing informal settlement discussions; have
 2 completed two three-hour settlement conferences with Magistrate Judge Susan van Keulen on
 3 March 9, 2022 and March 30; and have continued to have settlement discussions with Plaintiffs’
 4 counsel since then, both with the assistance of Magistrate Judge van Keulen and independently
 5 with the oversight of Magistrate Judge van Keulen; and

6 WHEREAS, the Parties need additional time to seek to conclude settlement negotiations,
 7 seek guidance and approval from the Mountain View City Council, and, if necessary, seek Court
 8 approval; and

9 WHEREAS, the Parties anticipate that this will be their final request to extend the stay in
 10 order to allow further settlement negotiations.

11 NOW THEREFORE, the Parties stipulate as follows:

- 12 1. The Parties agree to a further 57-day stay of litigation to end on August 30, 2022.
- 13 2. The City agrees to not issue any citations or tow any oversized vehicles for
 14 violations of the Ordinances during the 57-day stay described in paragraph 1.
- 15 3. The Parties request that the Court sign the [Proposed] Order below to continue the
 16 following deadlines and trial date established by the Court’s March 30, 2022, Order to Stay
 17 Litigation and Enforcement and Continue Litigation Schedule for 57 days, as follows:

| Event | Current Date | Proposed Dates |
|---|--------------------|-------------------|
| Fact discovery closes | September 28, 2022 | November 25, 2022 |
| Concurrent disclosure of opening expert witnesses and reports by both parties on issues for which party bears burden of proof | September 28, 2022 | November 25, 2022 |
| Concurrent disclosure of rebuttal expert witnesses and reports by both parties | November 2, 2022 | December 29, 2023 |
| Expert discovery closes | November 23, 2022 | January 19, 2023 |

| Event | Current Date | Proposed Dates |
|--|-------------------|-------------------|
| Last day for dispositive motions to be filed | December 21, 2022 | February 16, 2023 |
| Last day for hearing on dispositive motions | March 6, 2023 | May 2, 2023 |
| Pretrial statements due | April 24, 2023 | June 20, 2023 |
| Pretrial Conference | May 8, 2023 | July 5, 2023 |
| Trial | June 12, 2023 | August 8, 2023 |

4. The Parties may withdraw from this Agreement if the Court does not order the full continuance requested in Paragraph 3. To do so, the Party or Parties seeking to withdraw must notify the other Party or Parties via email within three business day of the Court’s partial grant or denial of this [Proposed] Order.

5. Plaintiffs may lift the stay of litigation for good cause after providing 15 days’ notice. To do so, Plaintiffs will notify Counsel for the City via email of their intent to lift the stay by including a description of the issue(s) constituting “good cause.” The Parties will engage in good faith meet and confer efforts to resolve the issue(s), commencing no later than 7 days after Plaintiffs provide notice. If the parties are unable to resolve the issue(s) within 15 days of Plaintiffs providing notice, the Parties may recommence litigation no sooner than 15 days after Plaintiffs provide notice.

A. Good cause for purposes of this stipulation includes any or all of the following circumstances:

i. The City issuing a citation for a violation of the Narrow Streets Ordinance or Bike Lane Ordinance.

ii. The City towing a vehicle for a violation of the Narrow Streets Ordinance or Bike Lane Ordinance.

iii. City officials harassing an occupant(s) of an oversized vehicle, which is defined for purposes of this stipulation to mean threatening to arrest an occupant of an

1 oversized vehicle for a violation of the Narrow Streets Ordinance or Bike Lane Ordinance;
2 threatening to issue a ticket or initiate a tow of an oversized vehicle for a violation of the Narrow
3 Streets Ordinance or Bike Lane Ordinance before the Termination Date; or engaging in an
4 interaction over the Narrow Streets Ordinance or Bike Lane Ordinance in a manner that
5 reasonably causes the occupant to conclude that the occupant has been threatened or intimidated.

6 iv. Plaintiffs producing evidence that one or more oversized vehicle
7 occupant has been forced to re-locate from Mountain View because the occupant was either
8 denied a space or no space was available in all of the lots available for safe parking in Mountain
9 View and because there were no legal overnight parking spaces available in the City on certain
10 dates Plaintiffs will specify. Plaintiffs will consider in good faith any evidence the City produces
11 of available legal parking spaces for oversized vehicles in the City.

12 B. Good cause for purposes of this stipulation shall not include:

13 i. City officials notifying occupants of oversized vehicles that the
14 Ordinances are in effect on that street and/or notifying occupants of oversized vehicles that they
15 should relocate from the covered street, provided that the official provides the documentation
16 described in paragraph 8 below.

17 ii. City officials notifying occupants of oversized vehicles that
18 oversized vehicles could be ticketed or towed after the Termination Date.

19 iii. City officials enforcing ordinances or laws other than the Narrow
20 Streets Ordinance or Bike Lane Ordinance.

21 6. The deadline for the Parties to respond to discovery will be tolled for the duration
22 of the stay and shall reset 30 days after the end of the stay. The deadline for Plaintiffs to amend
23 the Complaint will be tolled for the duration of the stay and shall reset 30 days after the end of
24 the stay. The Parties hereby agree that they will therefore seek to extend the time for Plaintiffs to
25 amend their Complaint to September 29, 2022, but acknowledge that the deadline for Plaintiffs
26 to amend the Complaint may be earlier than the Court-ordered deadline if the litigation stay is
27 lifted before 57 days.

1 7. If Plaintiffs lift the litigation stay pursuant to paragraph 5, the City may
2 simultaneously lift the stay on ticketing and towing under the Narrow Streets and Bike Lane
3 Ordinances.

4 8. Throughout the stay, a Mountain View police officer will provide an occupant of
5 an oversized vehicle with the document attached as Exhibit A to the Declaration of Scott Nelson
6 In Support of Defendant’s Opposition to Plaintiffs’ Motion For Preliminary Injunction (ECF No.
7 43-3) whenever a police officer requests that an occupant of an oversized vehicle relocate to a
8 new street in order to comply with the Narrow Streets Ordinance or Bike Lane Ordinance.
9 Exhibit A will be modified to include:

10 A. In bold letters at the top of the document: “Oversized Vehicles will not be
11 ticketed or towed for failure to comply with the Narrow Streets or Bike Lane Ordinances before
12 August 30, 2022.”

13 B. “The City has agreed not to ticket or tow oversized vehicles for violating
14 the Narrow Streets or Bike Lane Ordinances (Mountain View Ordinance Nos. 15.19 and 14.19)
15 for an additional 57 days in order to try to resolve *Navarro v. City of Mountain View*, a lawsuit
16 that has been filed to challenge the Ordinances by organizations including the Law Foundation of
17 Silicon Valley. This 57-day period ends on August 30, 2022. For more information about this
18 agreement, go to [insert address for page on City’s Narrow Streets webpage on the City’s
19 website].” The webpage will include only a copy of this stipulation, fully executed, and the
20 accompanying Court order.

21 IT IS SO STIPULATED.

22 Respectfully submitted,

23 DATED: June 27, 2022

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17 City of Mountain View
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[PROPOSED] ORDER

Upon review of the foregoing stipulation of the Parties, and the Court finding good cause for the same, the time for Plaintiffs to file an amended Complaint is hereby extended up to and including September 29, 2022, and the following deadlines are set:

| Event | Dates |
|---|-------------------|
| Fact discovery closes | November 25, 2022 |
| Concurrent disclosure of opening expert witnesses and reports by both parties on issues for which party bears burden of proof | November 25, 2022 |
| Concurrent disclosure of rebuttal expert witnesses and reports by both parties | December 29, 2023 |
| Expert discovery closes | January 19, 2023 |
| Last day for dispositive motions to be filed | February 16, 2023 |
| Last day for hearing on dispositive motions | May 2, 2023 |
| Pretrial statements due | June 20, 2023 |
| Pretrial Conference | July 5, 2023 |
| Trial | August 8, 2023 |

IT IS SO ORDERED.

Dated: _____

 HON. NATHANAEL COUSINS
 United States Magistrate Judge

L.R. 5-1 ATTESTATION

I, Margaret R. Prinzing, attest that all signatories listed herein, and on whose behalf this filing is submitted, concur in this filing’s content and have authorized this filing.

By: /s/ Margaret R. Prinzing

(00467615-3)

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CELERINA NAVARRO, and others,
Plaintiffs,
v.
THE CITY OF MOUNTAIN VIEW,
Defendant.

Case No. 21-cv-05381-NC

**ORDER GRANTING IN PART AND
DENYING IN PART STIPULATION
TO CONTINUE CASE SCHEDULE**

Re: ECF 97

On June 27, 2022, the parties filed their third stipulation to continue the litigation schedule in this case. ECF 97. After considering the stipulation, the Court GRANTS an extension on the following deadlines:

1. NON-EXPERT DISCOVERY: All non-expert discovery must be completed by **November 25, 2022**.
2. EXPERT WITNESSES:
 - Disclosure of expert testimony and reports under Federal Rule of Civil Procedure 26(a)(2) must be made by **November 25, 2022**.
 - Disclosure of rebuttal expert reports must be made by **December 29, 2022**.
 - Parties must complete all discovery of expert witnesses under Federal Rule of Civil Procedure 26(b)(4) by **January 19, 2023**.

The Court DENIES an extension on the remaining deadlines. Thus, the following deadlines remain set:

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3. DISPOSITIVE MOTIONS:

- Parties must file and serve all dispositive motions by **December 21, 2022**.
- Hearings on all dispositive motions will be completed by **March 6, 2023**.

4. PRETRIAL STATEMENTS: The parties must meet and confer to discuss the preparation of a joint pretrial statement, which is due by **April 24, 2023**.

5. PRETRIAL CONFERENCE: **May 8, 2023, at 2:00 p.m.**

6. TRIAL DATE: A jury trial will be held on **June 12, 2023, at 9:00 a.m.**

This case will remain stayed until **August 30, 2022**. The Court will hold a further case management conference on **September 14, 2022**, with a joint case management statement due **September 7, 2022**, in accordance with Civil Local Rule 16-10(d).

IT IS SO ORDERED.

Dated: June 27, 2022



NATHANAEL M. COUSINS
United States Magistrate Judge