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page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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

Plaintiffs,

v.

THE CITY OF MOUNTAIN VIEW,

Defendant.

James C. Harrison (State Bar No. 161958)
Robin B. Johansen (State Bar No. 79084)
Margaret R. Prinzing (State Bar No. 209482)
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Case No. 5:21-cv-05381-NC

**SECOND STIPULATION AND
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, the Parties have engaged in ongoing informal settlement discussions; have
25 completed one three-hour settlement conference with Magistrate Judge Susan van Keulen on
26 March 9, 2022; will complete a second three-hour settlement conference on March 30; and have
27 a full day settlement conference scheduled for April 20, 2022; and

28 WHEREAS, the Parties need additional time to seek to conclude settlement negotiations

and draft a settlement agreement, seek final approval from the Mountain View City Council, and, if necessary, seek Court approval.

NOW THEREFORE, the Parties stipulate as follows:

1. The Parties agree to a further 90-day stay of litigation to commence on April 6, 2022, and to end 90 days later on July 4, 2022.

2. The City agrees to not issue any citations or tow any oversized vehicles for violations of the Ordinances during the 90-day stay described in paragraph 1.

3. The Parties request that the Court sign the [Proposed] Order below to continue the following deadlines and trial date established by the Court's January 5, 2022, Order to Stay Litigation and Enforcement and Continue Litigation Schedule for 90 days, as follows:

Event	Current Date	Proposed Dates
Fact discovery closes	June 30, 2022	September 28, 2022
Concurrent disclosure of opening expert witnesses and reports by both parties on issues for which party bears burden of proof	June 30, 2022	September 28, 2022
Concurrent disclosure of rebuttal expert witnesses and reports by both parties	August 4, 2022	November 2, 2022
Expert discovery closes	August 25, 2022	November 23, 2022
Last day for dispositive motions to be filed	September 22, 2022	December 21, 2022
Last day for hearing on dispositive motions	December 6, 2022	March 6, 2023
Pretrial statements due	January 24, 2023	April 24, 2023
Pretrial Conference	February 7, 2023	May 8, 2023
Trial	March 13, 2023	June 12, 2023

4. The Parties may withdraw from this Agreement if the Court does not order the full 90-day 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 90-day 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 oversized vehicle for a violation of the Narrow Streets Ordinance or Bike Lane Ordinance; threatening to issue a ticket or initiate a tow of an oversized vehicle for a violation of the Narrow Streets Ordinance or Bike Lane Ordinance before the Termination Date; or engaging in an interaction over the Narrow Streets Ordinance or Bike Lane Ordinance in a manner that reasonably causes the occupant to conclude that the occupant has been threatened or intimidated.

iv. Plaintiffs producing evidence that one or more oversized vehicle occupant has been forced to re-locate from Mountain View because the occupant was either denied a space or no space was available in all of the lots available for safe parking in Mountain View and because there were no legal overnight parking spaces available in the City on certain

1 dates Plaintiffs will specify. Plaintiffs will consider in good faith any evidence the City produces
2 of available legal parking spaces for oversized vehicles in the City.

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

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

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

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

12 6. The deadline for the Parties to respond to discovery will be tolled for the duration
13 of the stay and shall reset thirty days after the end of the stay. The deadline for Plaintiffs to
14 amend the Complaint will be tolled for the duration of the stay and shall reset thirty days after
15 the end of the stay. For example, should the stay end on May 30, 2022, the deadline for the City
16 to respond to Plaintiffs' discovery and Plaintiffs' deadline to amend the Complaint will be
17 June 29, 2022. The Parties hereby agree that they will therefore seek a 120-day extension of
18 time for Plaintiffs to amend their Complaint to July 31, 2022, but acknowledge that the deadline
19 for Plaintiffs to amend the Complaint may be earlier than the Court-ordered deadline if the
20 litigation stay is lifted before 90 days.

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

24 8. Throughout the 90-day stay, a Mountain View police officer will provide an
25 occupant of an oversized vehicle with the document attached as Exhibit A to the Declaration of
26 Scott Nelson In Support of Defendant's Opposition to Plaintiffs' Motion For Preliminary
27 Injunction (ECF No. 43-3) whenever a police officer requests that an occupant of an oversized
28 vehicle relocate to a new street in order to comply with the Narrow Streets Ordinance or Bike

Lane Ordinance. Exhibit A will be modified to include:

A. In bold letters at the top of the document: “Oversized Vehicles will not be ticketed or towed for failure to comply with the Narrow Streets or Bike Lane Ordinances before July 4, 2022.”

B. “The City has agreed not to ticket or tow oversized vehicles for violating the Narrow Streets or Bike Lane Ordinances (Mountain View Ordinance Nos. 15.19 and 14.19) for an additional 90 days in order to try to resolve *Navarro v. City of Mountain View*, a lawsuit that has been filed to challenge the Ordinances by organizations including the Law Foundation of Silicon Valley. This 90-day period ends on July 4, 2022. For more information about this agreement, go to [insert address for page on City’s Narrow Streets webpage on the City’s website].” The webpage will include only a copy of this stipulation, fully executed, and the accompanying Court order.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: March 28, 2022

/s/ Nadia Aziz

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Attorneys for Defendant

City of Mountain View

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 for 120 days, up to and including July 31, 2022, and the following deadlines are set:

Event	Dates
Fact discovery closes	September 28, 2022
Concurrent disclosure of opening expert witnesses and reports by both parties on issues for which party bears burden of proof	September 28, 2022
Concurrent disclosure of rebuttal expert witnesses and reports by both parties	November 2, 2022
Expert discovery closes	November 23, 2022
Last day for dispositive motions to be filed	December 21, 2022
Last day for hearing on dispositive motions	March 6, 2023
Pretrial statements due	April 26, 2023
Pretrial Conference	May 10, 2023
Trial	June 12, 2023

IT IS SO ORDERED.

Dated: March 20, 2022

**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