

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Dolores Bastian Dalton 94931 Goldfarb & Lipman LLP 1300 Clay Street, Eleventh Floor Oakland, CA 94612 TELEPHONE NO.: (510) 836-6336 FAX NO. (Optional): (510) 836-1035 E-MAIL ADDRESS (Optional): ddalton@goldfarbblipman.com ATTORNEY FOR (Name): City of Encinitas	FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Diego  <b>01/06/2020 at 11:48:00 AM</b> Clerk of the Superior Court By Veronica Navarro, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County Division	
PLAINTIFF/PETITIONER: City of Encinitas  DEFENDANT/RESPONDENT: Preserve Proposition A	
<b>EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE                  PLEADING AND <input checked="" type="checkbox"/> ORDER EXTENDING TIME TO SERVE AND  <input type="checkbox"/> ORDER CONTINUING CASE MANAGEMENT CONFERENCE</b>	CASE NUMBER: 37-2019-00047963
Note: This ex parte application will be considered without a personal appearance. (See Cal. Rules of Court, rule 3.1207(2).)	HEARING DATE: DEPT.: TIME:

1. Applicant (name): City of Encinitas  
 is
  - a.  plaintiff
  - b.  cross-complainant
  - c.  petitioner
  - d.  defendant
  - e.  cross-defendant
  - f.  respondent
  - g.  other (describe):
2. The complaint or other initial pleading in this action was filed on (date): September 6, 2019
3. Applicant requests that the court grant an order extending time for service of the following pleading:
  - a.  Complaint
  - b.  Cross-complaint
  - c.  Petition
  - d.  Answer or other responsive pleading
  - e.  Other (describe): Plaintiff requests a 60-day extension to serve, until March 6, 2020.
4. Service and filing of the pleading listed in item 3 is presently required to be completed by (date): January 6, 2020
5. Previous applications, orders, or stipulations for an extension of time to serve and file in this action are:
  - a.  None
  - b.  The following (describe all, including the length of any previous extensions):  
 One previous extension was granted, by order dated November 13, 2019.
6. Applicant requests an extension of time to serve and file the pleading listed in item 3 on the following parties (name each):  
 Preserve Proposition A

CASE NAME: City of Encinitas v. Preserve Proposition A	CASE NUMBER: 37-2019-00047963
---	----------------------------------

7. The pleading has not yet been filed and served on the parties listed in item 6 for the following reasons (describe the efforts that have been made to serve the pleading and why service has not been completed):

Plaintiff's and Defendant's counsel have been in discussions aimed at reaching a stipulation re: streamlining & simplifying case management, with an eye towards an early merits hearing. Defendant had previously  Continued on Attachment 7.

8. An extension of time to serve and file the pleading should be granted for the following reasons:

Plaintiff requests a 60-day extension of time to serve so that the parties may continue discussions on who should be named in this declaratory relief action. Serving prematurely may prevent finalization of an agreement on efficient case management.

Continued on Attachment 8.

9. If an extension of time is granted, filing and service on the parties listed in item 6 will be completed by (date): 3/6/2020

10. Notice of this application under rules 3.1200-3.1207  has been provided as required (describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected) or  is not required (state reasons):

No parties have appeared other than Plaintiff.

Continued on Attachment 10.

11. Number of pages attached: 1

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 2, 2020

Dolores Bastian Dalton  
 (TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)

  
 (SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

Order on Application is  below  on a separate document.

**ORDER**

1. The application for an order extending time to serve and file the pleading is  granted  denied.

2. The pleading must be served and filed no later than (date): 3/6/20

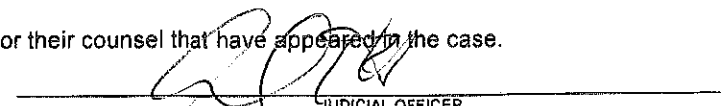
3.  The case management conference is rescheduled to :

- a. Date:
- b. Time:
- c. Place:

4. Other orders:

5. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

Date: 1/6/20

  
 JUDICIAL OFFICER

**ATTACHMENT 7 to EX PARTE APPLICATION FOR EXTENSION OF TIME  
TO SERVE PLEADING AND ORDERS**

indicated an interest in participating in the instant litigation. More recently, that position seems to have changed. Discussions are continuing.