

20 DEC -7 AM 10: 24

STANISLAUS CO. CLERK-RECORDER

1 TODD A. AMSPOKER, State Bar No. 111245
CAMERON GOODMAN, State Bar No. 307679
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3 Santa Barbara, California 93101
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Jeanine Creekmore
Electronically Filed
10/19/2020 11:24 AM
Superior Court of California
County of Stanislaus
Clerk of the Court
By: Christine Zulim, Deputy

5 Attorneys for Petitioner
6 MARTIN FAMILY HOLDINGS, LLC,
a California limited liability company

\$20 PD

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF STANISLAUS**

10
11 MARTIN FAMILY HOLDINGS, LLC, a
California limited liability company,

Case No.: CV-20-003776

12 Petitioner,

**STIPULATION AND [PROPOSED]
ORDER FOR CONTINUANCE OF
SETTLEMENT MEETING AND
EXTENSION OF DEADLINE TO
PREPARE AND CERTIFY
ADMINISTRATIVE RECORD**

13 vs.

14 STATE OF CALIFORNIA DEPARTMENT
15 OF TRANSPORTATION; TOKS
OMISHAKIN, Director of Caltrans; DAN
16 MCELHINNEY, Director of Caltrans District
10; and DOES 1-10, inclusive,

Petition Filed: September 2, 2020
Judge: Hon. Sonny S. Sandhu
Hearing Date: April 2, 2021
Time: 8:30 A.M.
Dept.: TBD

17 Respondents,

18 COUNTY OF STANISLAUS; CITY OF
19 OAKDALE; CITY OF RIVERBANK; CITY
OF MODESTO; and DOES 11-20, inclusive,

20 Real Parties in Interest.

21
22 Petitioner, MARTIN FAMILY HOLDINGS, LLC, a California limited liability company
23 (“Petitioner”), and Respondents STATE OF CALIFORNIA DEPARTMENT OF
24 TRANSPORTATION and TOKS OMISHAKIN, Director of Caltrans (collectively,
25 “Respondents”), hereby stipulate and agree as follows:

26 WHEREAS, pursuant to Public Resources Code Section 21167.8, a settlement meeting in
27 the above-entitled CEQA action is currently set for October 21, 2020 at 10:00 a.m. via
28 teleconference; and

Date removed from posting 11/10/2020

1 WHEREAS, pursuant to Public Resources Code section 21167.6(b), Respondents'
2 deadline to prepare and certify the administrative record in the above-entitled action is currently
3 November 9, 2020; and

4 WHEREAS, the parties deem it necessary to continue the settlement meeting and extend
5 the deadline for Respondents to prepare and certify the administrative record, as set forth herein.

6 NOW THEREFORE, it is hereby stipulated by and between the parties hereto, through
7 their respective counsel of record, that:

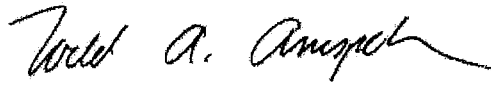
8 (1) Pursuant to Public Resources Code section 21167.8(c), the settlement meeting in the
9 above-entitled action is continued until 10:00 a.m., **November 23, 2020**, via teleconference; and

10 (2) Pursuant to Public Resources Code section 21167.6(c), Respondents' deadline to
11 prepare and certify the administrative record in the above-entitled action is extended until
12 **January 25, 2021.**

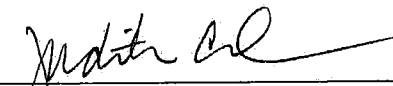
13 IT IS SO STIPULATED

14 Dated: October 8, 2020

PRICE, POSTEL & PARMA LLP

15
16 By: 
17 TODD A. AMSPOKER
18 CAMERON GOODMAN
19 Attorneys for Petitioner
20 MARTIN FAMILY HOLDINGS, LLC,
a California limited liability company

21 Dated: October 8, 2020

22 By: 
23 JUDITH A. CARLSON
24 Deputy Attorney IV
25 Caltrans Legal Division
26 Attorneys for Respondents
27 STATE OF CALIFORNIA DEPARTMENT OF
28 TRANSPORTATION and TOKS OMISHAKIN

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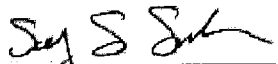
PROPOSED ORDER

(1) The date and time for the settlement meeting in the above-entitled action is continued until 10:00 a.m., **November 23, 2020**, via teleconference; and

(2) Respondents' deadline to prepare and certify the administrative record in the above-entitled action is extended until **January 25, 2021**.

IT IS SO ORDERED.

Date: 10/13/2020



Honorable Sonny S. Sandhu
Judge of the Superior Court

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101. On October 9, 2020, I served the foregoing document described as **STIPULATION AND [PROPOSED] ORDER** on all interested parties in this action by the original and/or true copy thereof enclosed in sealed envelopes, addressed as follows:

California Department of Transportation
Attn: Legal dept.
P.O. Box 942873
Sacramento, CA 94273-0001

Toks Omishakin
California Department of Transportation
P.O. Box 942873
Sacramento, CA 94273-0001

Dan Mcelhinney
California Department of Transportation
1976 East Dr. Martin Luther King Jr. Blvd.
Stockton, CA 95205

County of Stanislaus
1021 I Street
MODESTO, CA 95354

City of Oakdale
280 N. Third Ave
OAKDALE, CA 95361

City of Riverbank
6707 3rd Street, Suite A
RIVERBANK, CA 95367

City of Modesto
1010 10th St #6600
MODESTO, CA 95354

- BY MAIL: I placed the original and/or true copy in a sealed envelope addressed as indicated herein. I am readily familiar with the firm's practice of collection and processing documents for mailing. It is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- BY PERSONAL DELIVERY: I personally delivered the original and/or true copy in a sealed envelope addressed as indicated herein.
- BY OVERNIGHT DELIVERY: I placed the original and/or true copy in a sealed, fully prepaid FedEx, Next Day Air envelope addressed as indicated herein, which is picked up by FedEx on that same day in the ordinary course of business.
- BY E-MAIL: I caused to be e-mailed a true copy to the e-mail addresses listed herein.
- (**STATE**) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (**FEDERAL**) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on October 9, 2020, at Santa Barbara, California.

Aleries Lau

Signature
Aleries Lau

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101. On October 19, 2020, I served the foregoing document described as **STIPULATION AND ORDER** on all interested parties in this action by the original and/or true copy thereof enclosed in sealed envelopes, addressed as follows:

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BY OVERNIGHT DELIVERY: I placed the original and/or true copy in a sealed, fully prepaid FedEx, Next Day Air envelope addressed as indicated herein, which is picked up by FedEx on that same day in the ordinary course of business.

BY E-MAIL: I caused to be e-mailed a true copy to the e-mail addresses listed herein.

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

(**FEDERAL**) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on October 19, 2020, at Santa Barbara, California.



Brittany Nesbitt