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**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

**DONALD KNAPP; EVELYN KNAPP;
HITCHING POST WEDDINGS, LLC,**

Plaintiff,

v.

CITY OF COEUR D'ALENE,

Defendant.

CASE NO. 2:14-CV-00441-REB

**JOINT PETITION TO STAY
DISCOVERY AND TO SUSPEND
DEADLINES FOR FACT DISCOVERY,
SETTLEMENT CONFERENCE, AND
DISPOSITIVE MOTIONS**

Plaintiffs and Defendant, by and through undersigned counsel, jointly petition this Court for an Order staying discovery and suspending the deadlines set forth in the Case Management Order (Dkt. No. 28) for completing fact discovery (September 4, 2015), for holding a settlement conference (August 31, 2015), and for filing dispositive motions (October 16, 2015), pending this court's ruling on Defendant's motion to dismiss, which has been fully briefed and argued (Dkt. No. 39).

The parties have conferred and agree that there is good cause to stay discovery and the above listed deadlines, pending the Court's ruling on the motion to dismiss. Defendant's responses to Plaintiffs' written discovery requests are due in approximately two weeks and the parties are currently seeking to set depositions for at least four witnesses in late August. If the Court's ruling on the motion to dismiss is adverse to the Plaintiffs, the parties will have expended substantial time and resources on unnecessary discovery and depositions. If the ruling is favorable to the Plaintiffs, the parties will immediately restart discovery, stipulate to new deadlines for discovery, the settlement conference, and dispositive motions, and file a joint petition with the Court seeking to have the Case Management Order amended to reflect the new deadlines. The parties also will benefit from being able to tailor their discovery to take account of the Court's ruling.

In addition, the parties agree that it would be more productive to hold the settlement conference after the Court decides the motion to dismiss. The parties tried for several months to settle this case, but failed. While their positions have not changed, they agree that the Court's ruling on the motion to dismiss may impact the prospects of settlement.

Finally, if the above deadlines are suspended, the parties agree that the dispositive motion deadline should be suspended as well. If the Court rules in favor of Plaintiffs on the

motion to dismiss, the parties will agree to a new dispositive motion deadline that gives them sufficient time after the new discovery completion date to draft and file dispositive motions.

The parties previously sought three stays (Dkt. Nos. 15, 19, 21), which the Court granted (Dkt. Nos. 16, 20, 22). Those stays were sought to the deadline for Defendant to file a responsive pleading while the parties attempted to negotiate a settlement, and prior to discovery commencing. This request is the parties' first request to stay discovery. This request is not made to delay, but is made in good faith by the parties. The parties reasonably believe this request will save the parties' resources while they await the Court's motion to dismiss ruling.

Accordingly, the parties hereby jointly request a stay of discovery and the suspending of the deadlines for completing fact discovery, for holding a settlement conference, and for filing dispositive motions.

Respectfully submitted this 27th day of July, 2015.

By: /s/Jeremy D. Tedesco

By: /s/Kirtlan G. Naylor

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*Admission *pro hac vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of July, 2015, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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