

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PEDRO LOZANO, et al.	:	CIVIL ACTION NO. 3:06-cv-01586-JMM
	:	(Hon. James M. Munley)
Plaintiffs,	:	
v.	:	
CITY OF HAZLETON	:	
	:	
Defendant.	:	

STIPULATION AND ORDER

It is hereby stipulated by and between the undersigned duly authorized counsel for the parties as follows:

1. On October 31, 2006, the Honorable James M. Munley entered an Order granting Plaintiffs' Motion for a Temporary Restraining Order and prohibited the Defendant City of Hazleton from enforcing, until November 14, 2006, Ordinance 2006-18, the "Illegal Immigration Relief Act Ordinance," and Ordinance 2006-13, the Ordinance "Establishing a Registration Program for Residential Rental Properties; Requiring All Owners of Residential Rental Properties to Designate an Agent for Service of Process; and Prescribing Duties of Owners, Agents and Occupants; Directing the Designation of Agents; Establishing Fees for the Costs Associated with the Registration of Rental Property; and Prescribing Penalties for Violations."
2. Subsequently, on November 1, 2006, the Court entered a Scheduling Order which, *inter alia*, scheduled this matter for trial on November 13, 2006, during which the trial on the merits is to be advanced and consolidated with the preliminary injunction hearing ("Consolidated Trial").
3. Counsel for both parties believe that it is in their best interest, as well as that of the Court, to conduct discovery and to fully brief the important issues raised through Plaintiffs'

Amended Complaint and Motion for a Preliminary Injunction, and they further believe that such goals can be accomplished if discovery is completed by January 5, 2007.

4. Counsel for the parties agree to move this litigation and trial forward as expeditiously as possible so that the Court will be in a position to hold the Consolidated Trial and rule upon Plaintiffs' Motion for Preliminary and Permanent Relief at the earliest practicable time, preferably in approximately 90 days.
5. In light of the foregoing, the restraining Order enjoining Hazleton from enforcing Ordinance 2006-18 and Ordinance 2006-13 shall be extended for One Hundred Twenty (120) days, or until such time as the Consolidated Trial is held and a decision is rendered, whichever is shorter.
6. The Court's November 1, 2006, Scheduling Order is hereby set aside and a new Scheduling Order to be entered by the Court follows.
7. This Stipulation is being entered into by the parties by their duly authorized counsel and is not to be construed as an admission of fact or liability by any of the parties.
8. Any and all motions in limine shall be filed by January 8, 2007 at 4 p.m. Pretrial briefs no longer than 50 pages in length shall be filed on January 9, 2007 in accordance with L.R. 16.6.
9. A pretrial conference shall be scheduled for January 12, 2007, at which time the parties should be prepared to discuss the conduct of the hearing and trial, including the anticipated witnesses and order of proof on the issues.
10. Defendant shall have until December 1, 2006, to file a responsive pleading to Plaintiffs' First Amended Complaint (Docket #29) and/or a response to Plaintiffs' Motion for Preliminary Injunction and Temporary Restraining Order (Docket #30).

11. In the interests of expediting the conduct of discovery, the parties agree to the following discovery schedule:

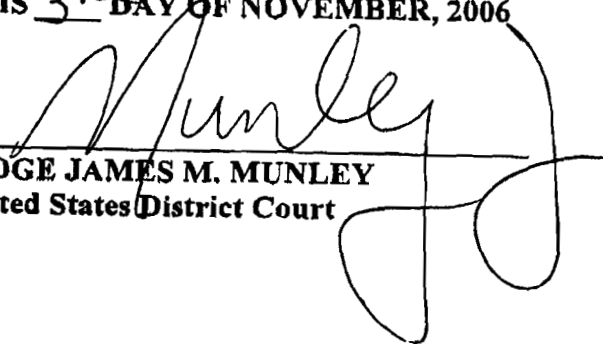
- a. Any written discovery from the parties, including document requests and interrogatories, shall have been served by November 20, 2006 and responded to by December 5, 2006.
- b. All depositions of fact witnesses shall have been noticed by November 30, 2006 and conducted by December 21, 2006.
- c. Plaintiffs shall identify any expert witness(es) for trial and provide the disclosures contemplated by Fed.R.Civ.P. 26(a)(2) by November 30, 2006; Defendants shall identify any experts witness for trial and provide said disclosures by December 8, 2006; these deadlines do not apply to any rebuttal experts either party may choose to call.
- d. Any depositions of expert witnesses shall have been conducted by January 5, 2007.
- e. All discovery shall have been completed by January 5, 2007.
- f. The case shall be ready for the Consolidated Trial no later than January 31, 2007.
- g. If any discovery disputes arise, the parties are directed not to file a written motion, but rather should contact Sylvia Murphy, who will promptly arrange for a telephone conference to resolve the issues.

12. Counsel shall meet and confer, pursuant to Local Rule 16.3(b) for the purpose of attempting to enter into agreements with respect to the subjects referred to in Fed.R.Civ.P.16 and to discuss settlement of the action by January 12, 2007.

s/ Thomas G. Wilkinson, Jr.
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APPROVED AND SO ORDERED
THIS 3rd DAY OF NOVEMBER, 2006

A handwritten signature in black ink, appearing to read "Munley", written over a horizontal line. The signature is stylized and extends to the right, crossing the line again.

JUDGE JAMES M. MUNLEY
United States District Court