

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

<p>ERIC CERVINI, WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CHASE STAPP, BRANDON WINKENWERDER, MATTHEW DAENZER, and CITY OF SAN MARCOS,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No. 1:21-cv-00568-RP</p> <p style="text-align: center;">Hon. Robert Pitman</p>
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JOINT STATUS REPORT

In response to this Court’s August 9, 2023 Order (“August 9 Order”) directing the parties to meet and confer within “approximately 30 days . . . to attempt to resolve issues related to non-party City of San Marcos employees’ city-issued and other mobile phones,” Dkt. 123 at 2, and to address other outstanding discovery items, counsel for Plaintiffs Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway (together, “Plaintiffs”) and counsel for Defendant the City of San Marcos (the “City”) conferred on August 15, 2023 (“August 15 Conference”), September 5, 2023 (“September 5 Conference”), and October 3, 2023 (“October 3 Conference”).

During the August 15 Conference the parties agreed to suspend the City’s deadline to perform searches of city-issued mobile phones for Defendants Stapp, Winkenwerder, and Daenzer in compliance with the August 9 Order, to extend Plaintiffs’ deadline to serve responses and objections to the City’s interrogatories, that Defendant would ask the Court to extend the City’s deadline to respond to Plaintiffs’ August 4, 2023 Motion for Costs and Attorneys’ Fees, Dkt. 121, and to suspend all other on-going discovery matters.

The parties have found these conferences to be productive, and therefore agreed to further extend the suspension of all deadlines as described above to October 18, 2023 and that Defendant would ask the Court to further extend the City's deadline to respond to Dkt. 121 to October 27, 2023, while the parties continue to explore resolution of the pending matters. The parties will update the Court with respect to their progress on these matters on or before November 6, 2023.

DATED: October 6, 2023

Respectfully Submitted,

By: /s/ Samuel Hall

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CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2023, a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Filing System of the Western District of Texas, in compliance with the Federal Rules of Civil Procedure.

DATED: October 6, 2023

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