

1 BENJAMIN B. WAGNER
 United States Attorney
 2 J. EARLENE GORDON
 Assistant U. S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, California 95814
 4 Telephone: (916) 554-2991

5 Attorneys for Defendant

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 8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 9 **EASTERN DISTRICT OF CALIFORNIA**

11 RONALD L. PORTER,
 12 Plaintiff,

13 v.

14 RAY MABUS, Secretary of the
 Navy,
 15 Defendant.

1:07-cv-00825-AWI-SMS

**STIPULATION AND ORDER TO VACATE
 THE SCHEDULING ORDER**

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 18 Plaintiff Ronald L. Porter and Defendant Ray Mabus, Secretary of the Navy, by and through their
 19 respective counsel, and request the Court to vacate all deadlines and dates in the Court's Scheduling
 20 Order, for the reason that, as discussed in the June 16, 2011 conference, there are ongoing discovery
 21 issues being addressed by the parties which will necessitate additional time to complete, and the
 22 deadlines contained in the Scheduling Order cannot be met. At the direction of the Court, the parties are
 23 working on a Proposed Order addressing those discovery issues, which should be filed shortly.

24 Although the parties are proceeding with due diligence, it is apparent that vacation of the
 25 deadlines in the Scheduling Order is necessary to resolve these serious pending issues before the Court,
 26 and to enable the parties to effectively prepare for a trial of this case, or, if appropriate, to participate in
 27 the ADR process.

28 The parties make this motion in good faith, and not for the purpose of vexation or delay.

1 The parties also request that this case be set for a new scheduling/status conference in October
2 at the first available Court date, with the parties to appear by telephone.

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4 Respectfully Submitted,

5 Dated: August 12, 2011

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8 /s/ Elaine W. Wallace
By: Elaine W. Wallace [SBN 784811]
Attorneys for plaintiff
9 Ronald L. Porter

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11 Dated: August 12, 2011

BENJAMIN B. WAGNER
United States Attorney

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14 By: /s/ J. Earlene Gordon
J. EARLENE GORDON
Assistant U.S. Attorney
15 Attorney for Defendant

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17 ORDERED

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19 All previously set dates are hereby Ordered Vacated and a 'New' Telephonic
20 Scheduling/Status Conference hearing is set for Friday, October 21, 2011 at 10:00 A.M. before
21 Judge Snyder. A conference call will be placed that morning to 559-499-5690, when all the
22 parties are on the line. A JOINT Scheduling Conference Report is due one week prior to
23 October 21, 2011 hearing.

24 IT IS SO ORDERED.

25 Dated: August 15, 2011

/s/ Sandra M. Snyder
26 UNITED STATES MAGISTRATE JUDGE

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