


FILED

SEP 15 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

KAREN SCHELLER,

Plaintiff,

v.

AMERICAN MEDICAL RESPONSE, INC., a
foreign corporation, CINDY WOOLSTON,
et al.,

Defendants.

Case No.: 1:08-CV-00798 OWW DLB

**STIPULATION AND [PROPOSED]
ORDER FOR CONTINUANCE OF
DISPOSITIVE MOTION FILING
DEADLINE AND HEARING DATE, AND
CONTINUANCE OF THE PRE-TRIAL
CONFERENCE**

Complaint Filed: February 20, 2008
Trial Date: January 20, 2010

Due to the continuance of the Mandatory Settlement Conference in this case, the desire of the Parties to avoid needless expenditure of time and resources by the Court and the Parties, and in the interests of efficiency, the Parties, by and through their counsel, hereby stipulate to a twenty-one (21) day extension of the dispositive motion filing deadline and hearing date, and a seven (7) day continuance of the pre-trial conference, as set forth below.

In particular, the Parties agree that a continuance of the deadline for filing dispositive motions is necessary and appropriate due to the recent continuance of the Mandatory Settlement Conference in this matter. The Court's Scheduling Conference Order, entered on September 26, 2008, set a Mandatory Scheduling Conference for September 9, 2009, a dispositive motion

1 filing deadline for September 30, 2009, a dispositive motion hearing date of November 2, 2009,
2 and a pre-trial conference date of December 7, 2009.

3 The Mandatory Settlement Conference was recently continued, at the request of the
4 Court, until September 30, 2009, three weeks after the date initially set. Both Plaintiff and
5 Defendant anticipate filing motions for summary judgment or, in the alternative, partial
6 summary judgment, and believe that it would be more efficient – both for them and for the
7 Court – if those motions were due a reasonable length of time after the Mandatory Settlement
8 Conference. The Parties believe that it would be appropriate to permit them to engage in Court-
9 moderated settlement discussions before the Parties need to file dispositive motions. Further,
10 the Parties' expenditure of the time, energy, and expense necessary to prepare and file motions
11 for summary judgment might make settlement less likely, rather than more likely. Because the
12 Mandatory Settlement Conference was continued by three weeks, the Parties request that the
13 dispositive motion filing deadline and hearing date likewise be continued by three weeks.

14 In addition, in the interest of efficiency, the Parties request that the Pre-Trial Conference
15 be continued by one week, to provide the Parties with additional time to prepare and consult
16 about the Joint Pre-Trial Statement after the hearing on the motion(s) for summary judgment, or
17 partial summary judgment, should the Mandatory Settlement Conference not result in a
18 settlement. The brief continuance would also resolve a scheduling conflict for lead Plaintiff's
19 counsel Brett Dickerson. In the event that the Court feels that it is inappropriate to continue the
20 pre-trial conference, the Parties agree that the dispositive motion filing deadline and hearing
21 date should still be continued, for the reasons outlined above.

22 IT IS HEREBY AGREED AND STIPULATED by and between the Parties, through
23 their respective counsel, that the relevant deadlines be continued as follows:

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1	<u>Event</u>	<u>Present Schedule</u>	<u>Continued Schedule</u>
2	Dispositive motion filing deadline	September 30, 2009	October 21, 2009
3	Dispositive motion hearing date	November 2, 2009	November 23, 2009
4	Pre-trial conference	December 7, 2009	December 14, 2009

5 The deadline for submission of the Joint Pre-Trial Statement shall be calculated from
6 the continued date.

7 The other deadlines set forth in the Scheduling Conference Order filed September 26,
8 2008, shall remain in place.

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10 IT IS SO STIPULATED:

11 Dated: September 2, 2009

GIANELLI & ASSOCIATES

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13 By: /s/ Brett L. Dickerson
14 BRETT L. DICKERSON
Attorneys for Plaintiff KAREN SCHELLER

15 Dated: September 2, 2009

FISHER & PHILLIPS LLP

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17 By: /s/ Jennifer K. Achart
18 JENNIFER ACHTERT
Attorneys for Defendant AMERICAN MEDICAL
RESPONSE, INC.

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1 **ORDER**

2 Based on the stipulation of the parties and in the interests of efficiency, it is hereby
3 ORDERED that the scheduled dates are continued as follows:

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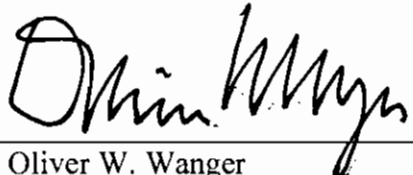
5 <u>Event</u>	<u>Present Schedule</u>	<u>Continued Schedule</u>
6 Dispositive motion filing deadline	September 30, 2009	October 21, 2009
7 Dispositive motion hearing date	November 2, 2009	November 23, 2009
8 Pre-trial conference	December 7, 2009	December 14, 2009

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10 The deadline for submission of the Joint Pre-Trial Statement shall be calculated from
11 the continued date.

12 The other deadlines set forth in the Scheduling Conference Order filed September 26,
13 2008, shall remain in place.

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15 Dated: 9-14-09

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18 Hon. Oliver W. Wanger
19 UNITED STATES DISTRICT JUDGE
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