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Attorneys for Defendant
 Timeless Investments, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION,

Plaintiff,

v.

TIMELESS INVESTMENTS, INC. dba
 EZ TRIP GOLDEN STATE SHELL,
 DOES 1 -10, inclusive,

Defendant.

Case No.: 1:08-CV-01469 AWI (SMS)

**STIPULATION TO CONTINUE
 THE DISCOVERY CUT-OFF AND
 SUBSEQUENT PRETRIAL AND
 TRIAL DATES; AND ORDER**

Hon. Sandra M. Snyder
 U.S. Magistrate Judge

Upcoming Pretrial Dates

Discovery Cut-Off: October 23, 2009

Pre-Trial Conference: February 2, 2010

Trial: March 23, 2010

1 **TO THE HONORABLE SANDRA M. SNYDER:**

2 Counsel for Plaintiff U.S. Equal Employment Opportunity Commission
3 ("EEOC") and Defendant Timeless Investments, Inc. dba EZ Trip Golden State
4 Shell ("Defendant"), by and through their undersigned counsel, request that this
5 Court continue the discovery cut-off and subsequent pretrial and trial dates for 120
6 days, or to dates thereafter that are convenient for this Court.

7 On September 29, 2008, the EEOC filed the instant action alleging that
8 Defendant discriminated against Charging Parties and similarly situated
9 individuals based on their age (40 and over) by failing and/or refusing to hire them.
10 in violation of Section 4 of the ADEA. The current discovery cut-off is October
11 23, 2009. Good cause exists to continue the discovery cut-off and subsequent
12 pretrial and trial dates for 120 days or to dates thereafter that are convenient for
13 this Court so that the parties can complete necessary discovery.

14 The EEOC has diligently engaged in the discovery process. The EEOC has
15 propounded written discovery on Defendant and has taken four depositions.

16 A continuance is necessary in part to complete several key depositions,
17 including the deposition of Harry Rafaelyan, who is Defendant's former manager
18 and the person who made the hiring decisions on behalf of Defendant. On July 8,
19 2009, this Court ordered defense counsel to set the deposition of Harry Rafaelyan
20 as soon as possible. After defense counsel conferred with the deponent as to his
21 availability, the parties set Mr. Rafaelyan's deposition for August 7, 2009 at 9:00
22 a.m. for a whole day. However, Mr. Rafaelyan appeared for his deposition on
23 August 7th at approximately 11:45 a.m. and was only available until 2:00 p.m. Mr.
24 Rafaelyan represented that he would make himself available for the continuation of
25 his deposition in September. After confirmation of Mr. Rafaelyan's availability
26 through defense counsel, the EEOC noticed Mr. Rafaelyan's deposition for
27 September 19th. On September 18th, the EEOC received notice from defense
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counsel that Mr. Rafaelyan would not be appearing for his deposition on September 19th because he was out of state. Thus, the EEOC needs to reschedule a new date for Mr. Rafaelyan's deposition. Besides completing Mr. Rafaelyan's deposition, the EEOC still needs to take several other depositions, including but not limited to one in Arizona and another in Sacramento.

To complete the above discovery, a continuance of the discovery deadline is necessary because defense counsel is not available for full day depositions until October 14, 2009 and currently has trials scheduled for April 13, April 27, May 3, May 24, and will be on vacation from June 20-July 5, 2010. The EEOC's counsel is also scheduled to start a two-three weeks trial on August 23, 2010. Thus, to accommodate the parties' schedule, the parties request for a 120 days extension of the discovery cut-off, which then requires a similar continuance of the other pretrial and trial dates. There has been no prior request for continuance of the discovery cut-off and related dates in this case.

Accordingly, the parties hereby stipulate and request an Order granting a 120-days continuance of the discovery cut-off and related dates as described below or to dates thereafter that are convenient to the Court:

Event	Current Date	Proposed Date
Non-expert Discovery Cut-Off	October 23, 2009	February 26, 2010
Expert Disclosure	October 30, 2009	March 5, 2010
Supplemental Expert Disclosure	November 13, 2009	March 19, 2010
Expert Discovery Cut-Off	December 4, 2009	April 9, 2010
Non-Dispositive Motion Filing Deadline	December 18, 2009	April 23, 2010

Dispositive Motion Filing Deadline	December 18, 2009	April 23, 2010
Pre-Trial Conference	February 2, 2010	July 27, 2010
Trial Date	March 23, 2010	October 5, 2010

SO STIPULATED.

Respectfully submitted,

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Date: October 2, 2009

By: /s/ Lorena Garcia-Bautista
Anna Y. Park
Lorena Garcia-Bautista
Amrita Mallik
Attorneys for Plaintiff U.S. EEOC

YARRA, KHARAZI, &
ASSOCIATES

Date: October 2, 2009

By: /s/ H. Ty Kharazi
H. Ty Kharazi
Attorney for Defendant
Timeless Investments, Inc., et al.

ORDER

GOOD CAUSE APPEARING, IT IS ORDERED THAT the current scheduling conference order in the matter to be vacated. The New Scheduling Conference Order is as follows:

Event	Current Date	Proposed Date
Non-expert Discovery Cut-Off	October 23, 2009	February 26, 2010
Expert Disclosure	October 30, 2009	March 5, 2010
Supplemental Expert Disclosure	November 13, 2009	March 19, 2010
Expert Discovery Cut-Off	December 4, 2009	April 9, 2010
Non-Dispositive Motion Filing Deadline	December 18, 2009	April 23, 2010
Dispositive Motion Filing Deadline	December 18, 2009	April 23, 2010
Pre-Trial Conference	February 2, 2010	July 27, 2010 at 8:30a.m. before Judge Ishii
Trial Date	March 23, 2010	October 5, 2010 at 8:30a.m. before Judge Ishii

Dated: October 7, 2009

/s/ Sandra M. Snyder
Hon. Sandra M. Snyder
United States Magistrate Judge

Respectfully submitted,

U.S. EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

Date: October 5, 2009

By: /s/ Lorena Garcia-Bautista

Lorena Garcia-Bautista
Attorneys for Plaintiff EEOC

DECLARATION OF MAILING

I am and was at the time the herein mentioned mailing took place, a citizen of the United States over the age of eighteen (18) years and not a party to the above-entitled cause.

I am employed in the Legal Unit of the Los Angeles District Office of the United States Equal Employment Opportunity Commission.

My business address is Equal Employment Opportunity Commission, Los Angeles District Office, 255 East Temple Street, 4th Floor, Los Angeles, CA 90012.

On the date that this declaration was executed, as shown below, I served the foregoing **STIPULATION TO CONTINUE THE DISCOVERY CUT-OFF AND SUBSEQUENT PRETRIAL AND TRIAL DATES AND [PROPOSED] ORDER CONTINUING DISCOVERY CUT-OFF AND SUBSEQUENT PRETRIAL AND TRIAL DATES; POS** via e-mail to the following:

H. Ty Kharazi, Esq.

E-Mail Address: tkharazi@yahoo.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, 2009 at Los Angeles, California.

/s/ Lorena Garcia-Bautista
Lorena Garcia-Bautista