

1 EDMUND G. BROWN JR., State Bar No. 37100  
Attorney General of California  
2 MONICA N. ANDERSON, State Bar No. 182970  
Supervising Deputy Attorney General  
3 DAVID A. CARRASCO, State Bar No. 160460  
Supervising Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 323-1938  
6 Fax: (916) 324-5205  
E-mail: [David.Carrasco@doj.ca.gov](mailto:David.Carrasco@doj.ca.gov)

7  
8 *Attorneys for Defendants Garza, Nacar,  
Smith, Van Natta, and Vargas*

9  
10 IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
11 FRESNO DIVISION

12  
13 **STEVEN C. MARTINEZ,**

14 Plaintiff,

15 v.

16 **GARZA, et al.,**

17 Defendants.

1:09-cv-00899 LJO DLB

**STIPLULATION AND ORDER TO  
VACATE SCHEDULED TRIAL AND  
PRETRIAL CONFERENCE**

Pretrial Conference: 1/6/2011  
Trial Date: 2/22/2011  
Action Filed: 5/21/2009

18  
19 The parties stipulate to vacating the scheduled trial and pretrial conference dates and  
20 resetting them, if necessary, after the Court has ruled on Defendants' pending motion to dismiss  
21 and motion for summary judgment.

22 Under the scheduling order filed on April 28, 2010, a pretrial conference is set for January  
23 6, 2011, and the trial is set to begin on February 22, 2011. (CR 32.) In addition, under Local  
24 Rule 281(a)(2), the parties joint pretrial statement is currently due on December 28, 2010.  
25 Defendants filed a motion to dismiss and motion for summary judgment addressing all remaining  
26 claims in this action. (CR 54.) On November 15, 2010, a few days before the scheduled hearing  
27 of Defendants' motion to dismiss and motion for summary judgment, the Court issued a minute  
28

1 order stating that no hearing was necessary and that it would issue a written order. (CR 59.) But  
2 the Court has yet to issue that order.

3 The parties' expenditure of time to prepare for trial will be wasted if the Court grants  
4 Defendants' pending motion. Moreover, Plaintiff's counsel has a conflict on the week of  
5 February 22, 2011, when the trial is currently scheduled for this action. So, a trial continuance is  
6 needed for that reason as well.

7  
8 Dated: December 9, 2010

/s/ Ken I. Karan (Signature maintained on file.)

9 Ken I. Karan  
10 Law Office of Ken I. Karan  
11 Attorney for Plaintiff *Steven Martinez*

12 Dated: December 10, 2010

/s/ David A. Carrasco

13 David A. Carrasco  
14 Office of the Attorney General  
15 Attorney for Defendants  
16 *Garza, Nacar, Smith, Van Natta, and Vargas*

### 17 ORDER

18 Having reviewed the stipulation of the parties, and good cause showing, the trial and  
19 pretrial dates shall be vacated and reset, if necessary, after the Court rules on Defendants' pending  
20 motion to dismiss and motion for summary judgment.

21 IT IS SO ORDERED.

22 Dated: December 13, 2010

/s/ Dennis L. Beck

23 UNITED STATES MAGISTRATE JUDGE