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9 THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA

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 13 Byron Chapman,
 14 Plaintiff,
 15 vs.

16 Valero California Retail Company
 17 dba Valero Corner Store #3006, *et*
 18 *al.*,
 19 Defendant.

Case No. 1:10-cv-00758-LJO-GSA

**Plaintiff's Request to Continue the
 Scheduling Conference and Order
 Thereon**

Date: August 5, 2010
 Time: 9:30 a.m.
 Ctrm: 10, 6th Floor

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1 Plaintiff hereby requests that the date for the Scheduling Conference,
2 currently scheduled for August 5, 2010, be continued to September 8, 2010,
3 or in the alternative, a date convenient for the court. Plaintiff makes this
4 request based on the fact that defendant, Valero California Retail Company
5 dba Valero Corner Store #3006 (“Valero”), was served on July 21, 2010, but
6 has not yet appeared. Defendant Valero’s answer to the complaint is due on
7 or before August 11, 2010. Additionally, upon receipt of a letter from counsel
8 for Valero, Plaintiff anticipates voluntarily dismissing the Pierucci defendants.
9 If the Scheduling Conference is continued, it would allow plaintiff and
10 defendant time to properly meet and confer concerning the Joint Scheduling
11 Report by August 20, 2010, and subsequently file the Joint Scheduling Report
12 by September 2, 2010.

13 Therefore, plaintiff respectfully submits that it would be counter
14 productive to file a status report or hold a status conference at this time.

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16 Dated: July 26, 2010

DISABLED ADVOCACY GROUP, APLC

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18 /s/ Lynn Hubbard III

LYNN HUBBARD III

Attorney for Plaintiff

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21 **ORDER**

22 **GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED**

23 that the scheduling conference be continued to September 8, 2010 at 9:30
24 a.m. with the Joint Scheduling Report to be filed seven (7) days prior to the
25 conference.

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27 Dated: July 27, 2010

/s/ GARY S. AUSTIN

UNITED STATES MAGISTRATE JUDGE