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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

NATIVIDAD GUTIERREZ,

Plaintiff,

v.

MUSAID NASHER dba SABER'S  
GROCERY MARKET, et al.,

Defendants.

) 1:11-cv-00938 LJO GSA

) **ORDER VACATING HEARING DATE**  
) **OF OCTOBER 28, 2011, AND SETTING**  
) **THE MATTER FOR A SETTLEMENT**  
) **CONFERENCE TO BE HELD**  
) **NOVEMBER 2, 2011, AT 10:30 A.M.**

In preparation for the hearing set on October 28, 2011, the Court has reviewed all pleadings filed relevant to Defendants' motion for an extension of time regarding certain discovery deadlines. (Docs. 22-24, 26 & 29.) This Court concludes the most efficient use of the court's time involves holding Defendants' motion in abeyance pending the outcome of a settlement conference.<sup>1</sup>

Accordingly, the parties are **HEREBY ORDERED** to participate in a settlement conference before the undersigned on **November 2, 2011, at 10:30 a.m. in Courtroom 10.**

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<sup>1</sup>Without deciding the issue raised in Defendants' motion herein, the parties are advised that this Court is not inclined to issue any order that would prevent a defendant from completing a plaintiff's deposition.

1 Each party shall deliver a confidential settlement conference statement (not to exceed 10 pages  
2 without exhibits) to the undersigned via email at [gsaorders@caed.uscourts.gov](mailto:gsaorders@caed.uscourts.gov), no later than  
3 October 28, 2011, at 4:00 p.m. It is anticipated the parties shall put forth their best efforts at the  
4 settlement conference and that counsel shall act professionally and reasonably at all times.

5 In the event this matter does not settle, the undersigned will thereafter issue an order on  
6 Defendants' motion, as well as address any necessary modifications to the scheduling order in  
7 light of District Judge Lawrence J. O'Neill's recent assignment to the matter.

8  
9 IT IS SO ORDERED.

10 **Dated: October 26, 2011**

**/s/ Gary S. Austin**  
**UNITED STATES MAGISTRATE JUDGE**