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13 Attorneys for Defendant,
IKON OFFICE SOLUTIONS, INC.

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16 FRESNO DIVISION
17

18 CHOWCHILLA ELEMENTARY
SCHOOL DISTRICT, a California Department
19 of Education entity,

20 Plaintiff,

21 v.

22 IKON OFFICE SOLUTIONS, INC., an Ohio
Corporation, and DOES 1-50,

23 Defendants.
24

Case No. 1:10-cv-01603-AWI-SMS

**STIPULATION TO VACATE DATES SET
IN SCHEDULING CONFERENCE ORDER
AND [PROPOSED] ORDER**

Judge: Anthony W. Ishii
Location: Courtroom 2, Floor 8

25 **STIPULATION**

26 The parties, by their respective counsel, hereby submit this Stipulation and state as follows:
27
28

1 1. After conducting substantial written discovery to date, the parties have each/all
2 agreed to seek to make the necessary arrangements to schedule a mediation to attempt resolution of
3 the claims raised in this proceeding.

4 2. The parties believe that a successful mediation is more probable if, during and before
5 the time the mediation takes place, all parties can be spared all further fact and expert discovery
6 expenses, including depositions.

7 3. Moreover, this action has been recently reassigned to Chief U.S. District Court Judge
8 Anthony W. Ishii and the parties recognize that the discovery cut-off dates, pre-trial conference and
9 trial dates previously set may not be realistic due to the Court's existing calendar.

10 4. For these reasons, and, because the parties do not anticipate being able to conduct a
11 mediation until December the parties agree and request this Court to vacate all dates set in the
12 Court's previous "SCHEDULING CONFERENCE ORDER" dated May 23, 2011 (Docket #49).
13 The parties request that the Court set a new Scheduling Conference, if necessary, after completion of
14 the mediation if the case is not settled.

15 Dated: November 15, 2011
16 IKON OFFICE SOLUTIONS, INC.

Dated: November 15, 2011
CHOWCHILLA ELEMENTARY SCHOOL
DISTRICT; RAY A MORGAN COMPANY,
INC.; AND TIMOTHY THOMPSON

17
18
19 /s/ Terrance J. Evans
20 _____
21 By its Counsel
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7 **ORDER**

8
9 GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that all dates set in this
10 Court's Scheduling Conference Order dated May 23, 2011 (Docket #49) are hereby vacated. The
11 Parties are ordered to proceed, as agreed, with a mediation. If the case is not settled at the
12 mediation, the Parties are ordered to notify the Court within thirty (30) days of the mediation that the
13 case was not settled and request the setting of a new scheduling conference where new dates will be
14 set for the discovery, pre-trial conferences/hearings and trial of this matter.

15 Additionally, the parties shall immediately notify the Court in writing of the date of the
16 mediation once that date has been set.

17 Finally, if the mediation is successful, the parties shall notify the Court within five (5) days
18 of the mediation so that the Court may set deadlines for the parties to submit dismissal papers.

19
20 The parties are warned that failure to provide the Court with the above timely notices may
21 result in the imposition of sanctions.

22
23
24 IT IS SO ORDERED.

25
26 Dated: November 15, 2011


27 CHIEF UNITED STATES DISTRICT JUDGE