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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

FISHER NUT COMPANY,

Defendant.

CASE NO. 1:10-cv-01794-LJO-SKO

**ORDER GRANTING IN PART,
DENYING IN PART PARTIES'
STIPULATED REQUEST FOR
CONTINUANCE**

(Docket No. 11)

_____/

Plaintiff U.S. Equal Employment Opportunity Commission ("Plaintiff" or "EEOC") filed this action on September 29, 2010. The Court set an initial Scheduling Conference for January 11, 2011. On December 30, 2011, the parties filed a stipulated request seeking to extend the time for Defendant Fisher Nut Company to respond to the complaint and to continue the Scheduling Conference from January 11, 2011, to March 8, 2011. (Doc. 7.) This request was granted on January 3, 2011, and the Scheduling Conference was continued to March 10, 2011. (Doc. 8.)

On January 25, 2011, the parties again filed a request to extend the time for Defendant to respond to the complaint and to continue the Scheduling Conference from March 10, 2011, to March 31, 2011, citing the parties' continuing settlement discussions as a reason for the continuance. This request was granted on January 27, 2011.

1 On February 7, 2011, the parties filed a third request to extend the time for Defendant to
2 respond to the complaint and to continue the Scheduling Conference. (Doc. 11.) The parties
3 represent that the "principal lawyer for the [EEOC] in this case will be on extended emergency
4 family leave for approximately two weeks." (Doc. 11.) Thus, the parties "anticipate needing
5 additional time to continue settlement discussions." (*Id.*) The parties request that the time for
6 Defendant to respond to the complaint be continued from March 1, 2011, to April 1, 2011, and that
7 the Court continue the Scheduling Conference from March 31, 2011, to April 28, 2011.

8 Due to counsel's extended family emergency, the Court will grant a short continuance of the
9 Scheduling Conference and extend Defendant additional time to respond to the complaint. The
10 Court notes that this case has been pending since September 29, 2010, and the parties have had more
11 than four months to discuss settlement. The parties are encouraged to continue their settlement
12 discussions, but the time has come to schedule the case. To that end, this is the **final** continuance
13 of the Scheduling Conference that will be granted absent truly good cause.

14 Accordingly, IT IS HEREBY ORDERED THAT:

- 15 1. Defendant shall file an answer on or before March 31, 2011; and
- 16 2. The Scheduling Conference currently set for March 31, 2011, is VACATED and
17 RESET to April 19, 2011, at 9:45 a.m. in Courtroom 8 of the above entitled court.

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19 IT IS SO ORDERED.

20 **Dated:** February 7, 2011

21 /s/ Sheila K. Oberto
22 UNITED STATES MAGISTRATE JUDGE
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