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6 Attorneys for Defendant STEPHEN B. CHASKO

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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 MICHAEL OWENS,

12 Plaintiff,

13 v.

14 STEPHEN B. CHASKO, an individual,  
and DOES 1 through 10, inclusive,

15 Defendants.  
16

Case No. 1:11-CV-00335-AWI-GSA

**STIPULATION TO CONTINUE  
MANDATORY SCHEDULING  
CONFERENCE AND ORDER THEREON**

Trial Date: None

17  
18 **STIPULATION**

19 The parties request the Mandatory Scheduling Conference be postponed from  
20 April 28, 2011 to June 27, 2011 at 10:00 a.m. for the following reasons.

21 This action was originally filed on January 12, 2011 in the Tulare County  
22 Superior Court. Plaintiff, a California resident, sued Defendant, a Pennsylvania resident, for  
23 abuse of process and intentional infliction of emotional distress. Defendant removed the case  
24 to this Court on February 28, 2011 based on diversity of citizenship jurisdiction.

25 On March 4, 2011 Defendant filed a Motion to Dismiss under FRCP 12(b)(2) on  
26 the ground the Court lacks personal jurisdiction over the Defendant. On March 22, 2011,  
27 Plaintiff filed his First Amended Complaint setting forth new allegations on the jurisdictional  
28 issue.

1 On April 8, 2011 Defendant filed a FRCP 12(b)(6) motion asserting each count  
2 of the First Amended Complaint fails to state a claim for relief. The hearing on the motion was  
3 set for May 23, 2011 (a Stipulation and Order to continue said hearing to Tuesday, May 31,  
4 2011 is being submitted concurrently herewith).

5 The Mandatory Scheduling Conference on calendar for April 28, 2011 was set  
6 by Order filed on February 28, 2011 and is the initial setting for said conference. Participation  
7 in a Mandatory Scheduling Conference on April 28, 2011 would be premature because until  
8 such time as the Court rules on the 12(b)(6) motion directed at the First Amended Complaint,  
9 the parties will lack the information and thus the ability to comply with the order of the Court  
10 in a number of respects as to the contents of the Joint Scheduling Report, such as the factual  
11 and legal contentions set forth in the pleadings, any proposed amendment to the pleadings with  
12 corresponding deadline, a detailed summary of the uncontested and contested facts, a summary  
13 of both the disputed and undisputed legal issues, and a complete and detailed discovery plan.  
14 The parties request the Mandatory Scheduling Conference be continued to June 27, 2011 at  
15 10:00 a.m. again in Courtroom 10 before the U.S. Magistrate Judge Gary S. Austin.

16 Dated: April 15, 2011

DOWLING, AARON & KEELER, INC.

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19 By: /s/ James D. Burnside III

James D. Burnside III  
Jared C. Marshall  
Attorneys for Defendant  
STEPHEN B. CHASKO

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22 Dated: April 19, 2011

WILLIAMS, JORDAN, BRODERSEN &  
PRITCHETT, LLP

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25 By: /s/ Nick Pritchett

Nick Pritchett  
Attorneys for Plaintiff MICHAEL OWENS

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**ORDER**

Upon reviewing the Stipulation of counsel for the parties and sufficient cause having been demonstrated,

IT IS ORDERED the Mandatory Scheduling Conference is continued to June 27, 2011 at 10:00 a.m. in Courtroom 10 before U.S. Magistrate Judge Gary S. Austin.

IT IS SO ORDERED.

Dated: April 19, 2011

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE