

1 TANYA E. MOORE, Bar No. 206683
Moore Law Firm, P.C.
2 E-mail: tanya@moorelawfirm.com
332 N. Second Street
3 San Jose, CA 95112
Telephone: 408-271-6600
4 Facsimile: 408-298-6046

5 Attorneys for Plaintiff
JOHN MORALES

6 RYAN L. EDDINGS, Bar No. 256519
7 LITTLER MENDELSON
A Professional Corporation
8 5200 North Palm Avenue
Suite 302
9 Fresno, California 93704.2225
Telephone: 559.244.7500
10 Facsimile: 559.244.7525

11 Attorneys for Defendants
CUCA'S MEXICAN RESTAURANTS, LLC,
12 CHRISTOPHER JOHNSON, and ERICA
JOHNSON

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 JOHN MORALES,
16 Plaintiff,

17 v.

18 CUCA'S MEXICAN
19 RESTAURANTS, LLC;
20 CHRISTOPHER JOHNSON; and
ERICA JOHNSON

21 Defendants.
22

Case No. 1:11-CV-00385-AWI-DLB

**JOINT STIPULATION AND ORDER TO
CONTINUE MANDATORY SCHEDULING
CONFERENCE AND FILING OF JOINT
SCHEDULING REPORT**

Magistrate Judge: Dennis L. Beck
Courtroom: 9
Complaint Filed: June 21, 2011

23 **STIPULATION**

24 **WHEREAS**, on March 3, 2011, Plaintiff JOHN MORALES ("Plaintiff") filed a
25 Complaint against Defendants CUCA'S MEXICAN RESTAURANTS, LLC, CHRISTOPHER
26 JOHNSON, and ERICA JOHNSON (collectively referred to herein as "Defendants").
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1 **WHEREAS**, on March 4, 2011, the Court issued an Order Setting the Mandatory
2 Scheduling Conference.

3 **WHEREAS**, no trial date has yet been assigned;

4 **WHEREAS**, the Court's Order Setting Scheduling Conference provided as follows:

- 5 1. The Scheduling Conference is set for June 21, 2011;
- 6 2. The Parties shall meet and confer to develop a Joint Scheduling Report,
7 discovery plan and to discuss possible settlement at least twenty (20) days
8 before the Scheduling Conference;
- 9 3. The Parties shall file a Joint Scheduling Report not later than seven (7) days
10 prior to the Mandatory Scheduling Conference;

11 **WHEREAS**, on June 9, 2011, Counsel for Defendant learned for the first time that
12 Defendants CHRISTOPHER JOHNSON and ERICA JOHNSON, who are also husband and wife,
13 have recently separated and initiated divorce proceedings;

14 **WHEREAS**, the Counsel for Defendant and Defendants CHRISTOPHER
15 JOHNSON and ERICA JOHNSON need additional time to determine whether joint-representation
16 can continue or whether each will need new counsel;

17 **WHEREAS**, Counsel for Plaintiff is unavailable to attend a continued mandatory
18 scheduling conference until on or after August 8, 2011;

19 **WHEREAS**, the Parties have made substantial progress toward settling this matter
20 and anticipate a final resolution of the dispute within the next eight weeks;

21 **WHEREAS**, the Parties jointly request that the above-stated dates be continued so
22 that Defendants can obtain separate counsel if necessary and to permit the Parties to focus their
23 efforts and resources on settlement of the instant dispute.

24 **THEREFORE**, subject to the approval of this Court, it is hereby stipulated and
25 agreed, by and between the Parties hereto, through their respective counsel, that:

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- 2 1. The Scheduling Conference shall be continued to a date convenient for this
3 Court on or after August 8, 2011;
- 4 2. The Parties shall meet and confer and develop a Joint Scheduling Report,
5 discovery plan and to discuss possible settlement at least twenty (20) days
6 before the Scheduling Conference; and
- 7 3. The Parties shall file a Joint Scheduling Report not later than seven (7) days
8 before the rescheduled Scheduling Conference.

9 **IT IS SO STIPULATED**

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11 Dated: June 13, 2010

/s/ Tanya E. Moore
TANYA E. MOORE,
Moore Law Firm, P.C.
Attorneys for Plaintiff
JOHN MORALES

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13
14 Dated: June 13, 2010

/s/ Ryan L. Eddings
RYAN L. EDDINGS
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendants
CUCA'S MEXICAN RESTAURANTS, LLC,
CHRISTOPHER JOHNSON, and ERICA
JOHNSON

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19 **PURSUANT TO STIPULATION, AND GOOD CAUSE HAVING BEEN SHOWN:**

- 20 1. The Mandatory Scheduling Conference and associated dates, as set in the
21 Court's June 21, 2011 Order Setting Mandatory Scheduling Conference, are vacated.
- 22 2. The Scheduling Conference shall be continued to August 11, 2011 in this
23 Department at 9:30 a.m.
- 24 3. The Parties shall meet and confer and develop a Joint Scheduling Report,
25 discovery plan and to discuss possible settlement at least twenty (20) days before the Scheduling
26 Conference.
- 27 4. The Parties shall file a Joint Scheduling Report not later than seven (7) days
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1 before the rescheduled Scheduling Conference.
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3 IT IS SO ORDERED.
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5 Dated: June 15, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE