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8
9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

11 GENERAL SECURITY SERVICES
12 CORPORATION,

13 Plaintiff,

14 v.

15 COUNTY OF FRESNO,

16 Defendant.
17

Case No. 1:11-CV-00724 MJS

**STIPULATION TO MODIFY
SCHEDULING ORDER; ORDER
THEREON.**

18 Plaintiff GENERAL SECURITY SERVICES CORPORATION (hereinafter
19 “Plaintiff”) and defendant COUNTY OF FRESNO (hereinafter “Defendant”) hereby
20 present the following Stipulation to Modify the current Scheduling Order in the above-
21 captioned action to continue the existing trial date.

22 **RECITALS**

23 WHEREAS, on September 29, 2011, the Court issued its initial Scheduling
24 Order. In said order, the trial was set for January 29, 2013.

25 WHEREAS, on October 14, 2011, the parties consented to have Magistrate
26 Judge Michael J. Seng be the judge for all purposes in this case.

27 WHEREAS, on June 14, 2012, the Court issued an order, pursuant to the parties’
28 stipulation, to continue the existing trial date to April 1, 2013.

1 WHEREAS, on February 19, 2013, counsel for parties tentatively agreed on
2 behalf of their clients to engage in a settlement process. Under this process, the parties
3 will first meet and confer to determine the extent of the existing controversy. Once this
4 determination is made, it is the intention of the parties to engage in private mediation.
5 Due to the large number of pieces of electronic monitoring equipment subject to
6 Plaintiff's overall claim, the factual inquiry needed for the settlement process will be
7 extensive. As such, the parties believe that the current trial date of April 1, 2013 leaves
8 insufficient time for this process.

9 WHEREAS, on February 20, 2013, the Court issued an order, pursuant to the
10 parties' stipulation, continuing the trial date to August 6, 2013;

11 WHEREAS, on May 7, 2013, counsel for the parties agreed that due to the large
12 number of pieces of electronic monitoring equipment subject to Plaintiff's overall claim,
13 the factual inquiry between the parties has taken longer than anticipated. As such, the
14 parties still desiring to conduct a meaningful settlement process and mediation, believe
15 that the current trial date of August 6, 2013 will leave insufficient time for the settlement
16 process.

17 WHEREAS, on May 7, 2013, counsel for the parties conferred regarding a new
18 trial date. Based on the time needed for the above-described settlement process to
19 continue, and the existing schedules for counsel, it was agreed that a trial date in
20 October or November 2013 would be proposed.

21 WHEREAS, on May 7, 2013, counsel for Plaintiff contacted Laurie Yu, the
22 Courtroom Deputy for Judge Seng, concerning the parties' proposed stipulation and
23 order. Ms. Yu represented that the parties could propose November 19, 2013, as the
24 new trial date.

25 WHEREAS, on August 30, 2013, counsel for the parties conferred regarding
26 proposed mediators and conferred regarding a new trial date. The parties have been
27 diligently accumulating information regarding the underlying equipment and have
28 created spreadsheets outlining their respective positions to make any settlement

1 discussions and mediation more productive. Counsel for the parties continues to believe
2 that this matter is ripe for mediation and have agreed upon two mediators.

3 WHEREAS, on August 30, 2013, counsel for the parties both understanding that
4 more time is needed to provide for a meaningful mediation and settlement process, and
5 due to the existing schedules of counsel, including Plaintiff's counsel schedule of trials
6 on November 4, 2013, December 12, 2013, January 20, 2014, and January 24, 2014, it
7 was agreed that a new trial date in February 2014 would be proposed.

8 WHEREAS, on September 6, 2013, counsel for the Plaintiff contacted Laurie Yu,
9 the Courtroom Deputy for Judge Seng, concerning the parties' proposed stipulation and
10 order. Ms. Yu represented that the parties could propose February 11, 2014, as the
11 new trial date.

12 **STIPULATION**

13 Now, therefore, IT IS HEREBY STIPULATED AND AGREED, by and between
14 the parties, through their respective attorneys of record that:

15 1. The existing trial date of November 19, 2013 will be vacated, and the case
16 will be set for trial on February 11, 2014, at 8:30 a.m., in Courtroom 6 of the United
17 States District Court in Fresno, California.

18 2. The Court will set a pre-trial conference on January 10, 2014 at 9:30 a.m.,
19 in Courtroom 6 of the United States District Court in Fresno, California.

20 **IT IS SO STIPULATED.**

21 Dated: September 6, 2013

22 KEVIN B. BRIGGS
23 County Counsel

24 By: /s/ Michael Linden
25 Michael R. Linden, Deputy
26 Attorneys for Defendant
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1 Dated: September 6, 2013

2 VAUGHN LEGAL GROUP

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4 By: /s/ Barak Vaughn
5 Barak Vaughn
6 Attorney for Plaintiff

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8 **ORDER**

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10 Good cause appearing, albeit only marginally, the parties Stipulation is accepted
11 and approved and made the Order of the Court as provided below:

12 1. The existing trial date of November 19, 2013 will be vacated, and the case
13 will be set for trial on February 11, 2014, at 8:30 a.m., in Courtroom 6 of the United
14 States District Court in Fresno, California.

15 2. A pre-trial conference will convene January 10, 2014 at 9:30 a.m., in
16 Courtroom 6 of the United States District Court in Fresno, California.

17 3. There shall be **no further continuances** in this case. The parties are
18 Ordered to take appropriate steps to ensure mediation is convened and concluded prior
19 to the pre-trial conference. If mediation produces a settlement, the settlement shall be
20 consummated and the case dismissed before the pre-trial conference.

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25 IT IS SO ORDERED.

26 Dated: September 9, 2013

27 /s/ Michael J. Seng
28 UNITED STATES MAGISTRATE JUDGE

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