

1 LEXINGTON LAW GROUP
Mark N. Todzo (State Bar No. 168389)
2 mtodzo@lexlawgroup.com
Howard Hirsch (State Bar No. 213209)
3 hhirsch@lexlawgroup.com
Victoria Hartanto (State Bar No. 259833)
4 vhartanto@lexlawgroup.com
503 Divisadero Street
5 San Francisco, CA 94117
Telephone: (415) 913-7800
6 Facsimile: (415) 759-4112

7 Attorneys for Defendant
CENTER FOR ENVIRONMENTAL
8 HEALTH

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

LOYD'S AVIATION, INC., et al.,

Plaintiffs,

vs.

CENTER FOR ENVIRONMENTAL
HEALTH, et al.,

Defendants.

Case No. 1:11-CV-01078-AWI-DLB

**STIPULATION AND ORDER
CONTINUING MANDATORY
SCHEDULING CONFERENCE AND ALL
RELATED SCHEDULING DEADLINES**

Honorable Dennis L. Beck
Courtroom 9
Hearing Date: Oct. 4, 2011
Time: 9:00 a.m.

Action Filed: June 29, 2011

1 Plaintiffs (through their counsel of record, Jones Day), and Defendants Center for
2 Environmental Health (“CEH”) (through its counsel, Lexington Law Group) and Kamala Harris,
3 Attorney General for the State of California, in her official capacity (through their counsel, Susan
4 Fiering, Deputy Attorney General), hereby enter into the following stipulation and respectfully
5 request that that Court enter the proposed Order below.

6 Whereas Plaintiffs filed their initial complaint in this action on June 29, 2011 seeking
7 declaratory and injunctive relief;

8 Whereas the Court issued an Order Setting Mandatory Scheduling Conference (“MSC
9 Order”) on June 30, 2011, setting the MSC for October 4, 2011;

10 Whereas Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary
11 Injunction on June 30, 2011;

12 Whereas the Motion for Temporary Restraining Order was taken off calendar pursuant to a
13 Stipulation and Order entered by the Court on July 6, 2011;

14 Whereas the hearing on Plaintiffs’ Motion for Preliminary Injunction has been set for
15 October 3, 2011;

16 Whereas Plaintiffs filed their First Amended Complaint on August 26, 2011;

17 Whereas Defendants CEH and Kamala Harris each filed a Motion to Dismiss on
18 September 2, 2011, and both Motions to Dismiss are set for hearing on October 3, 2011;

19 Whereas, Plaintiffs intend to oppose the Motions to Dismiss;

20 Whereas, if granted, the Motions to Dismiss could dispose of some or all of this action;

21 and

22 Whereas, in an effort to conserve the Court’s and the parties’ resources, the parties
23 respectfully request that the Court rule on the Motions to Dismiss before setting discovery or any
24 other case management deadlines.

25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOW, THEREFORE, the parties stipulate and respectfully request that the Court enter an Order as follows:

1. The Mandatory Scheduling Conference is continued to DECEMBER 19, 2011, at 9:30 am before Magistrate Judge Dennis L. Beck.
2. The Joint Scheduling Report shall be due seven (7) days prior the new date set for the Mandatory Scheduling Conference; and
3. All discovery and any other case management deadlines presently imposed either by the Court in the Mandatory Scheduling Conference Order, or by the Federal Rules of Civil Procedure, not related to either Plaintiffs’ Motion for Preliminary Injunction or Defendants’ Motions to Dismiss, are continued to a date consistent with the continued date of the Mandatory Scheduling Conference.

IT IS SO STIPULATED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: September 14, 2011

JONES DAY

By: /s/ Thomas M. Donnelly
Thomas M. Donnelly

Attorneys for Plaintiffs

Dated: September 14, 2011

LEXINGTON LAW GROUP

By: /s/ Mark Todzo
Mark Todzo

Attorneys for Center for Environmental Health

Dated: September 14, 2011

KAMALA D. HARRIS
ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA

By: /s/ Susan Fiering
Susan Fiering, Deputy Attorney General,
Counsel for Kamala Harris, Attorney
General

ORDER

Having considered the foregoing Stipulation, and good cause appearing therefor,

IT IS SO ORDERED.

Dated: September 14, 2011

 /s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE