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5 Attorneys for Plaintiff, Juanita Valadez

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 7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 JUANITA VALADEZ, an individual, )  
 11 )  
 PLAINTIFF, )  
 12 v. )  
 13 AT&T MOBILITY SERVICES LLC, a )  
 Delaware Limited Liability Company; and )  
 14 DOES 1-100, jointly and severally, )  
 15 )  
 DEFENDANTS. )  
 16 \_\_\_\_\_ )

**CASE NO: 1:11-cv-01465-LJO-GSA**  
**STIPULATION AND ORDER TO**  
**CONTINUE MANDATORY**  
**SCHEDULING CONFERENCE**  
**Date:** December 1, 2011  
**Time:** 9:00 a.m.  
**Dept.:** Courtroom 10  
**Judge:** U.S. Magistrate Gary S. Austin

17 Pursuant to the Court’s August 31, 2011 Order, a Status (Pre-Trial Scheduling) Conference  
 18 in the above referenced matter was scheduled for December 1, 2011. The Order further required  
 19 the parties to file a joint status report no later than seven (7) days prior to the scheduling conference.  
 20 Pursuant to the Court’s Order, Plaintiff respectfully requests that the Court continue the Mandatory  
 21 Scheduling Conference scheduled for December 1, 2011 to February 16, 2012, at 9:00 a.m.

22 On October 6, 2011, counsel for AT&T Mobility Services LLC (“AT&T Mobility”) advised  
 23 Plaintiff’s counsel that none of the four Defendants named in the Complaint were proper parties to  
 24 this case, and further advised that, based on the allegations of the Complaint, the only entity which  
 25 should have been named as a Defendant was his client, AT&T Mobility. In reliance on those  
 26 representations, Plaintiff filed a First Amended Complaint on October 25, 2011, which removed  
 27 all prior Defendants, and named the new, current, Defendant AT&T Mobility. Said Defendant was  
 28 subsequently served on November 4, 2011 via Waiver of Service of Summons. On November 15,

1 2011 Plaintiff received the signed Waiver of Service from Defendant and filed the Proof of Service  
2 with the Court. Defendant's answer to the complaint is due on January 3, 2012, and Plaintiff does  
3 not anticipate the Defendant will appear until that date.

4 Given that the new Defendant has not yet appeared, is not obligated to appear, and will not  
5 appear, as of the date of the scheduled Mandatory Scheduling Conference, there can be no Joint  
6 Scheduling Report submitted to the Court at the conference or any time before then, and there will  
7 be no Pretrial Scheduling accomplished at the conference in the absence of the only Defendant's  
8 counsel. Accordingly, Plaintiff believes that continuing the Mandatory Scheduling Conference until  
9 February 13, 2012, would provide both parties ample and reasonable time to Meet and Confer and  
10 prepare the Joint Scheduling Report.

11 NOW, THEREFORE, subject to the Court's approval, Plaintiff, by and through her counsel  
12 of record, respectfully asks the following:

- 13 1. That the Mandatory Scheduling Conference be continued from December 1, 2011,  
14 at 9:000 a.m., to February 15, 2012, at 9:30 a.m.; and
- 15 2. That the corresponding deadline to file the Joint Scheduling Report, be continued  
16 to February 8, 2012.

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19 **GREEN BRYANT & FRENCH, LLP**

20 Dated: November 21, 2011

20 /s/ Joel R. Bryant  
21 \_\_\_\_\_  
21 Joel R. Bryant, Esq.  
21 Jbryant@gbflawyers.com  
21 Attorney for Plaintiff  
22 JUANITA VALADEZ

1 **ORDER**

2 **IT IS ORDERED THAT:**

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- 4 1. The Mandatory Scheduling Conference is continued from December 1, 2011, at  
5 9:00 a.m., to February 15, 2012, at 9:30 a.m.;
- 6 2. The deadline to file the Joint Scheduling Report, be continued to February 8, 2012.
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11 **IT IS SO ORDERED.**

12 **Dated: November 22, 2011**

**/s/ Gary S. Austin**  
**UNITED STATES MAGISTRATE JUDGE**