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10 and as Successor-in-Interest to SETH WALSH, Deceased.

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13
14 WENDY WALSH, individually and as
15 Successor-in-Interest to SETH WALSH,
16 Deceased; and Sh.W., a minor, by his
17 Guardian ad Litem, WENDY WALSH,

18 Plaintiffs,

19 vs.

20 TEHACHAPI UNIFIED SCHOOL
21 DISTRICT; SUPERINTENDENT
22 SWANSON; SUSAN ORTEGA;
23 MR. KAMINSKY; MS. KIRBY;
24 MS. HAIGHT; MRS. KABONIC;
25 MR. FEEHAN; and DOES 1 through 100,
26 Inclusive,

27 Defendants.

) Case No. 1:11-CV-01489-LJO-JLT
)
) **STIPULATION TO AMEND THE**
) **SCHEDULING ORDER TO**
) **CONTINUE THE SETTLEMENT**
) **CONFERENCE AND PRETRIAL**
) **CONFERENCE;**
) **ORDER THEREON**

) **(Doc. 65)**

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1 **STIPULATION**

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3 1. Undersigned counsel for Plaintiff, WENDY WALSH, and undersigned counsel for
4 Defendants, TEHACHAPI UNIFIED SCHOOL DISTRICT, SUSAN ORTEGA, and PAUL
5 KAMINSKI, all of the parties who have appeared and remain in this action, hereby stipulate
6 and agree as follows:

7

8 2. WHEREAS:

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- 10 • On October 30, 2013, the parties submitted a Stipulation requesting that the Court
11 continue the Settlement Conference from November 7, 2013 to a date at which the
12 parties expected to have received ruling on Defendants’ Motion for Partial Summary
13 Judgment in this case. [Doc. 55]
- 14 • By Order of this Court dated November 4, 2013, the Settlement Conference was set
15 for **February 5, 2014** at 10:00 a.m. [Doc. 56]
- 16 • Defendants’ Motion for Partial Summary Judgment was set for hearing on **December**
17 **16, 2013**. The matter was submitted, and the hearing was vacated by Order of the
18 Court per Local Rule 230(g). [Doc. 61]
- 19 • By Order of the Court dated January 15, 2014, the Court requested further briefing
20 from the parties, with Plaintiff to file her brief by **January 24, 2014**, and Defendants
21 to file a response by **January 30, 2014**. [Doc. 63]
- 22 • Until the Court has ruled on this Motion for Partial Summary Judgment, the parties
23 do not believe that settlement negotiations in this case will bear fruit; and
- 24 • The parties believe these grounds constitute good cause for a continuance of the
25 Settlement Conference to a date by which Defendants’ Motion for Partial Summary
26 Judgment may reasonably be expected to have been ruled on, such as early March of
27 2014.
- 28

- The parties also believe these grounds constitute good cause for a continuance of the Pretrial Conference in this matter by a similar amount of time, for example, to late March of 2014.
- The parties believe that with such modifications, the trial date of April 29, 2014, may be preserved.

3. Undersigned counsel stipulate and agree to request that the Court enter an Order amending the scheduling order in this case, such that:

- The settlement conference shall take place in early March of 2014, according to the Court's schedule.
- The Pretrial Conference shall take place in late March of 2014, according to the Court's schedule.

Date: January 28, 2014

RODRIGUEZ & ASSOCIATES

By: /s/ John A. Kawai /
DANIEL RODRIGUEZ
JOEL T. ANDREESEN
JOHN A. KAWAI
Attorneys for Plaintiff,
WENDY WALSH

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ORDER

The parties having stipulated, and good cause appearing, the Court **ORDERS:**

1. The stipulation to amend the scheduling order is **GRANTED** as follows:
 - a. The Settlement Conference SHALL take place on February 24, 2014 at 9:00 a.m. at the United States Courthouse, located at 510 19th Street, Bakersfield, CA;
 - b. The Pretrial Conference SHALL take place on March 13, 2014 at 8:30 a.m. in Courtroom 4 before Judge O'Neill.

No other amendments to the schedule are authorized.

IT IS SO ORDERED.

Dated: January 28, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE