

1 GREGORY J. SMITH (124127)  
2 THE LAW OFFICE OF GREGORY J. SMITH  
3 A PROFESSIONAL CORPORATION  
4 516 W. Shaw Avenue, Suite 200  
5 Fresno, CA 93704  
6 Telephone: (559)221-5100  
7 Facsimile No: (559)221-5126

8 Attorney for Defendants  
9 GUARDIAN INDUSTRIES CORP. AND ASHLEY KIRKLAND

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA

12 CHRISTINE TOTH,

13 Plaintiff,

14 vs.

15 GUARDIAN INDUSTRIES CORP., a Delaware  
16 corporation, ASHLEY KIRKLAND, an  
17 individual, and DOES 1 through 20, inclusive,

18 Defendants.

Case No. 1:12-cv-00001-LJO-DLB

STIPULATION OF ALL PARTIES TO  
CONTINUE THE SCHEDULING  
CONFERENCE AND TO CONTINUE ALL  
DATES ASSOCIATED WITH THE  
SCHEDULING CONFERENCE AND  
ORDER OF THE COURT

Current Scheduling Conference: 3/6/12  
Proposed Scheduling Conference: 5/16/12

19 **STIPULATION OF ALL PARTIES TO CONTINUE**  
20 **THE SCHEDULING CONFERENCE**

21 **I. BACKGROUND**

22 This case was initiated by removal of the action from state court by defendant, Guardian  
23 Industries (hereinafter "Guardian"). Defendants Guardian and Ashley Kirkland (hereinafter  
24 "Kirkland"), each filed motions to dismiss. Plaintiff, Christine Toth, then filed a motion to remand.  
25 By Minute Order (Docket No. 19), Judge Lawrence J. O'Neill took the motions to dismiss off  
26 calendar and set the motion to remand for hearing before Magistrate Judge Dennis L. Beck on  
27 February 10, 2012.

28 The Initial Scheduling Conference was set for 3/16/2012 at 09:15 a.m. in Courtroom 9 (DLB)

1 before Magistrate Judge Dennis L. Beck. (Docket No. 3.) Thereafter, the Initial Scheduling  
2 Conference was reset for 3/6/2012 at 09:15 a.m. in Courtroom 9 (DLB) before Magistrate Judge  
3 Dennis L. Beck. (Docket No. 7.) The parties agree that the efficient use of their resources is best  
4 achieved by continuing the Scheduling Conference for approximately sixty (60) days while the  
5 motion to remand is decided and, if the motion to remand is denied, while the motions to dismiss  
6 proceed to hearing. The parties also have agreed to participate in private mediation and are in the  
7 process of agreeing to mediation with one of three mediators already identified.

8 The parties wish to avoid the expense of meeting and conferring in advance of the  
9 Scheduling Conference and the expense of preparing the Joint Scheduling Conference Report. In  
10 addition, the parties wish to avoid the expense of the Rule 26 conferences and disclosures while the  
11 motion to remand is pending, the motions to dismiss are pending, and the parties are engaging in  
12 private mediation.

## 13 II. STIPULATION

### 14 A. Continuance And Associated Deadlines

- 15 1. **The Scheduling Conference shall be continued from March 6, 2012 to May 16,**  
16 **2012 at 9:15 a.m. in Courtroom 9 (DLB) before Magistrate Judge Dennis L.**  
17 **Beck.**
- 18 2. **All deadlines associated with the Scheduling Conference, including those**  
19 **associated with Rule 26 disclosures, shall be continued based upon the new**  
20 **Scheduling Conference date of May 16, 2012.**

21  
22  
23 Dated: January 27, 2012

**THE LAW OFFICE OF GREGORY J. SMITH  
A PROFESSIONAL CORPORATION**

24  
25 By: \_\_\_\_\_ /s/  
26 Gregory J. Smith, Esq.  
27 Attorney for Defendants  
28 GUARDIAN INDUSTRIES CORP. and  
ASHLEY KIRKLAND  
gsmith@gregsmithlawfirm.com

1  
2 Dated: January 27, 2012

SMITH JOHNSON, INC.

3  
4 By: \_\_\_\_\_ /s/  
5 William J. Smith, Esq.  
6 Attorney for Plaintiff  
7 CHRISTINE TOTH  
8 wsmith@wjslawoffice.com

9  
10  
11  
12 **III. ORDER**

Based upon the foregoing, the Court finds that good cause exists for the request of the parties  
and approves the continuance of the Scheduling Conference.

13  
14 IT IS SO ORDERED.

Dated: January 30, 2012

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE