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GUARDIAN INDUSTRIES CORP. AND ASHLEY KIRKLAND

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTINE TOTH,

Plaintiff,

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

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

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

I. BACKGROUND

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

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.**

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23 Dated: January 27, 2012

THE LAW OFFICE OF GREGORY J. SMITH
A PROFESSIONAL CORPORATION

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25 By: _____ /s/
26 Gregory J. Smith, Esq.
27 Attorney for Defendants
28 GUARDIAN INDUSTRIES CORP. and
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Dated: January 27, 2012

SMITH JOHNSON, INC.

By: William J. Smith, Esq.
Attorney for Plaintiff
CHRISTINE TOTH
wsmith@wjslawoffice.com

/s/

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.

IT IS SO ORDERED.

Dated: January 30, 2012

/s/ *Dennis L. Beck*
UNITED STATES MAGISTRATE JUDGE