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12
 13 **IN THE UNITED STATES DISTRICT COURT**
 14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
 15 **FRESNO DIVISION**

16
 17 MERCED IRRIGATION DISTRICT,
 18 Plaintiff,
 19 v.
 20 COUNTY OF MARIPOSA,
 21 Defendant.

Case No.: 12-cv-01645-LJO-SKO

**STIPULATION AND ORDER
 CONTINUING DECEMBER 13, 2012,
 SCHEDULING CONFERENCE AND
 ASSOCIATED DEADLINES**

22 COUNTY OF MARIPOSA, a political subdivision
 23 of the State of California,
 24 Counter Claimant,
 25 v.
 26 MERCED IRRIGATION DISTRICT, a California
 irrigation district,
 27 Counter Defendant.
 28

1 **STIPULATION**

2 Whereas, on September 5, 2012, the District initiated this proceeding by filing its complaint
3 for declaratory relief, pursuant to Cal. Code Civ. Pro. § 1060, in the Superior Court for Merced
4 County, California.

5 Whereas, on October 5, 2012, the County removed this action by notice pursuant to 28
6 U.S.C. § 1441, and filed its answer and counterclaim to the District’s complaint.

7 Whereas, by entry dated October 17, 2012, Magistrate Judge Oberto set a scheduling
8 conference in this proceeding for December 13, 2012, and directed the parties to submit their
9 scheduling report no later than December 6, 2012.

10 Whereas, on November 2, 2012, the District moved, pursuant to 28 U.S.C. § 1447(c), to
11 remand this action to the Superior Court. The District also moved, pursuant to Federal Rule of Civil
12 Procedure 12(b)(1), to dismiss the County’s counterclaim. The motion to remand is scheduled to be
13 heard on December 12, 2012, and hearing on the motion to dismiss has been deferred pending ruling
14 on the motion to remand.

15 Whereas, the parties wish to avoid the cost of preparing for and appearing at the December
16 13, 2012 scheduling conference unless and until the Court were to deny the motion to remand.

17 Based on the foregoing, the Parties stipulate to defer the Rule 26 scheduling meeting, the
18 exchange of Rule 26 disclosures, the joint scheduling report to the Court, and the Scheduling
19 Conference presently set for December 13, 2012 pending the Court’s hearing and ruling on the
20 pending motion to remand. The parties further request the Court to set an adjourned date for the
21 scheduling conference no earlier than 60 days after entry of an order ruling on the motion to remand,
22 with the parties’ Rule 26(a)(1) and (2) disclosures due within 14 days thereafter, the parties’ Rule
23 26(f) conference to have been completed no later than 21 days prior thereto and the parties’ report on
24 their Rule 26(f) conference due no later than seven calendar days prior to the scheduling conference.

25 The Parties further agree that this stipulation may be executed in counterparts.
26
27
28

1 Dated: November 19, 2012

WANGER JONES HELSLEY PC

2 By: /s/ Oliver W. Wanger
3 Oliver W. Wanger
4 Kurt F. Vote
5 Attorneys for Defendant and Counter Claimant
6 County of Mariposa

7 Dated: November 19, 2012

DUANE MORRIS LLP

8 By: /s/ Jolie-Anne Ansley
9 Thomas M. Berliner
10 Jolie-Anne Ansley
11 Attorneys for Plaintiff and Counter Defendant
12 Merced Irrigation District

13 Dated: November 19, 2012

DUNCAN & ALLEN

14 By: /s/ John P. Coyle
15 John P. Coyle
16 Abby C. Briggerman
17 Attorneys for Plaintiff and Counter Defendant
18 Merced Irrigation District

19 **ORDER**

20 Pursuant to the parties' stipulation, the Court continues the December 13, 2012, Scheduling
21 Conference to April 2, 2013, at 9:30 a.m. The parties' Rule 26(f) conference shall be completed no
22 later than March 12, 2013; the parties' report on their Rule 26(f) conference shall be filed no later
23 than March 26, 2013; and the parties' Rule 26(a)(1) and (2) disclosures shall be served no later than
24 April 16, 2013.

25 IT IS SO ORDERED.

26 Dated: November 21, 2012

/s/ Sheila K. Oberto
27 UNITED STATES MAGISTRATE JUDGE