

1 JOAN A. MARKOFF
Chief Counsel, Bar No. 121787
2 WILL M. YAMADA
Deputy Chief Counsel, Bar No. 226669
3 FROLAN R. AGUILING
Assistant Chief Counsel, Bar No. 235874
4 DAVID D. KING
Labor Relations Counsel, Bar No. 252074
5 DAVID M. VILLALBA
Labor Relations Counsel, Bar No. 258974
6 California Department of Human Resources
State of California
7 1515 S Street, North Building, Suite 400
Sacramento, CA 95811-7258
8 Telephone: (916) 324-0512
Facsimile: (916) 323-4723
9 E-mail: david.king@calhr.ca.gov

10 Attorneys for Defendant

11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

13 CARLOS SILVEIRA, GEORGETTE)
14 PICKETT, and CHARLES HUGHES, as)
individuals, and on behalf of all others similarly)
15 situated,)

16 Plaintiffs,)

17 v.)

18 JEFFREY A. BEARD, in his capacity as the)
Secretary of the California Department of)
19 Corrections and Rehabilitation; and DOES 2)
through 10, inclusive,)

20 Defendants.)
21)
22)

Case No. 1:13-CV-00084-AWI-BAM

**STIPULATION AND JOINT REQUEST TO
CONTINUE MANDATORY SCHEDULING
CONFERENCE; ORDER THEREON**

23 Whereas, on January 16, 2013, plaintiffs filed their original complaint in this action;

24 Whereas, on February 20, 2013, plaintiffs filed their first amended complaint in this action;

25 Whereas, on March 11, 2013, defendant filed a Motion to Dismiss and/or Strike Plaintiffs’

26 First Amended Complaint, such motion scheduled to be heard on April 15, 2013 at 1:30 p.m. before
27 the Hon. Anthony W. Ishii;
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1 Whereas, by order dated January 17, 2013, this Court set a mandatory scheduling conference
2 for May 1, 2013, and required the parties to meet and confer over the Joint Scheduling Report by
3 April 11, 2013, and submit a Joint Scheduling Report to the Court by April 25, 2013;

4 Whereas, rule 26 of the Federal Rules of Civil Procedure require the parties to confer over a
5 proposed discovery plan by April 10, 2013, submit a discovery plan 14 days afterwards, and make
6 initial disclosures by April 24, 2013;

7 Whereas, defendant believes that the Court's ruling on defendant's motion could affect the
8 number and scope of relevant issues in dispute, the scope of discovery, and affect the scheduling of
9 dispositive motions, prospects for settlement and trial procedures of this action;

10 Whereas, it is plaintiffs' position that they have adequately pled their claims such that they
11 believe that defendant's Motion to Dismiss will be denied;

12 Whereas, the parties, having met and conferred, nevertheless agree that continuing the
13 mandatory scheduling conference, and related deadlines, until after this Court has issued an order
14 on defendant's Motion to Dismiss and/or Strike Plaintiffs' First Amended Complaint; will conserve
15 the resources of the court and the parties;

16 Accordingly, the parties to this action, through their respective attorneys of record, hereby
17 STIPULATE and JOINTLY REQUEST this Court continue the Mandatory Scheduling Conference,
18 and related deadlines to meet and confer and submit a Joint Scheduling Report and discovery plan,
19 and deadline to provide initial disclosures, until a date after this Court has issued an order on
20 defendant's Motion to Dismiss and/or Strike Plaintiffs' First Amended Complaint.

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Dated: April 2, 2013

Respectfully submitted,

JOAN A. MARKOFF
Chief Counsel

WILL M. YAMADA
Deputy Chief Counsel

By: /s/ David D. King
DAVID D. KING,
Labor Relations Counsel
Attorney for Defendant

Dated: April 2, 2013

Respectfully submitted,

By: /s/ Majed Dakak
MAJED DAKAK
Attorney for Plaintiffs

ORDER

Having considered the parties' Stipulation and Joint Request to Continue the Mandatory Scheduling Conference and related deadlines (including those related to initial disclosures and the filing of a joint scheduling report), and good cause having been shown, it is ORDERED that the Mandatory Scheduling Conference currently set for May 1, 2013 is CONTINUED to June 13, 2013, at 9:00 AM, in Courtroom 8, before Magistrate Judge Barbara A. McAuliffe. All related deadlines, including the requirement to file a joint scheduling report and exchange initial disclosures, are similarly continued.

IT IS SO ORDERED.

Dated: April 3, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE