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9	(Appearances for Additional Counsel on Next Page)				
10	UNITED STATES DISTRICT COURT				
11	EASTERN DISTRICT OF CALIFORNIA				
12	FRESNO DIVISION				
13	CARLOS SILVEIRA, GEORGETTE PICKETT, and CHARLES HUGHES, as	Case No. 1:13	3-CV-00084-AWI-BAM		
14	individuals, and on behalf of all others similarly situated,		ON AND JOINT REQUEST NUE MANDATORY		
15	Plaintiffs,		NG CONFERENCE; ORDER		
16	VS.	Judge:	Barbara A. McAuliffe		
17	JEFFREY A. BEARD, in his capacity as the	Courtroom:	8		
18	Secretary of the California Department of Corrections and Rehabilitation; and DOES 2				
19	through 10, inclusive,				
20	Defendants.				
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28	STIDLILATION AND JOINT DEOLIEST TO				

STIPULATION AND JOINT REQUEST TO CONTINUE SCHEDULING CONFERENCE; ORDER

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28	STIPULATION AND JOINT REQUEST TO CONTINUE SCHEDULING CONFERENCE

Whereas, on January 16, 2013, plaintiffs filed their original complaint in this action;
Whereas, on February 20, 2013, plaintiffs filed their first amended complaint in this action;
Whereas, on March 11, 2013, defendant filed a Motion to Dismiss and/or Strike Plaintiffs' First
Amended Complaint ("Motion to Dismiss") in this action;

Whereas, by order dated April 3, 2013, this Court continued the mandatory scheduling conference previously set for May 1, 2013 to June 13, 2013, so that the mandatory scheduling conference could be held after this Court has issued an order on defendant's Motion to Dismiss;

Whereas, by order dated April 12, 2013, the Honorable Judge Ishii granted plaintiffs' ex parte request to file a sur-reply in relation to defendant's Motion to Dismiss, and allowed defendants until April 19, 2013 to respond to plaintiffs' sur-reply.

Whereas, in the same order dated April 12, 2013, the Honorable Judge Ishii in granting plaintiffs' ex parte request to file a sur-reply stated that because of the weight of the Court's docket, no decision on the Motion to Dismiss should be expected for several weeks.

Whereas, Rule 26 of the Federal Rules of Civil Procedure now requires the parties to confer over a proposed discovery plan by May 24, 2013, submit a discovery plan 14 days afterwards, and make initial disclosures by June 7, 2013;

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

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

Whereas, the parties, having met and conferred, nevertheless agree that continuing the mandatory scheduling conference, and related deadlines, until after this Court has issued an order on defendant's Motion to Dismiss will conserve the resources of the court and the parties;

Accordingly, the parties to this action, through their respective attorneys of record, hereby STIPULATE and JOINTLY REQUEST that the Court continue the Mandatory Scheduling Conference,

1	and related deadlines to meet and confer and submit a Joint Schaduling Depart and discovery plan, and			
1	and related deadlines to meet and confer and submit a Joint Scheduling Report and discovery plan, and			
2		deadline to provide initial disclosures, until a date after this Court has issued an order on defendant's		
3	Motion to	Motion to Dismiss.		
4	Dated:	May 14, 2013	Respectfully submitted,	
5			JOAN A. MARKOFF	
6			Chief Counsel	
7			WILL M. YAMADA Deputy Chief Counsel	
8			By: _/s/ David D. King	
9			DAVID D. KING, Labor Relations Counsel	
10			Attorney for Defendant	
11	Dated:	May 14, 2013	Respectfully submitted,	
12			By: /s/ Majed Dakak	
13			MAJED DAKAK Attorney for Plaintiffs	
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	STIPULATION AND JOINT REQUEST TO CONTINUE SCHEDULING CONFERENCE			

In consideration of the parties' Stipulation and Joint Request to Continue the Mandatory Scheduling Conference, and related deadlines, and good cause having been shown, it is ORDERED that the Mandatory Scheduling Conference, currently set for June 13, 2013, is CONTINUED to September 16, 2013, at 9:00 AM, in Courtroom 8, before Magistrate Judge Barbara A. McAuliffe.

ORDER

The related deadlines to meet and confer and submit a Joint Scheduling Report, to provide initial disclosures, and to meet and confer and provide a written discovery plan under Rule 12 of the Federal Rules of Civil Procedure, are similarly continued.

IT IS SO ORDERED.

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE Dated: **May 15, 2013**