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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 HEATHER CASTILLO,
12 Plaintiff,
13 v.
14 UNITED STATES INTERNAL REVENUE
SERVICE,
15 Defendant.
16

Case No. 1:13-cv-00517-AWI-SKO
STIPULATION AND ORDER TO
CONTINUE SCHEDULING
CONFERENCE

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18 The parties to this action hereby stipulate and request that the Mandatory Scheduling
19 Conference set for November 5, 2013, be further continued to January 23, 2014, at 9:30 a.m. in
20 Courtroom 7, for the reasons set forth below. Defendant has filed a Motion to Dismiss (Doc. 12),
21 which the Court took under submission without oral argument by order dated August 27, 2013 (Doc.
22 16). In the motion, defendant asserts that the Complaint for Damages and Injunctive Relief: Lack of
23 Reasonable Accommodation Under the Rehabilitation Act of 1973 [29 U.S.C. § 701 *et seq.*] (Doc. 1)
24 names an improper defendant, seeks relief under the wrong statute, demands relief not available as a
25 matter of law, and asserts a claim over which the court lacks subject matter jurisdiction. The Court's
26 resolution of the pending motion will determine the parties, claims and remedies that will be the
27 subject of this litigation, if any, and the parties submit that the interests of judicial economy and
28 economy to the parties therefore would be best served by the requested continuance.

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Dated: October 29, 2013

Respectfully submitted,
BENJAMIN B. WAGNER
United States Attorney

/s/ Benjamin E. Hall
BENJAMIN E. HALL
Assistant U.S. Attorney
Attorney for Defendant

Dated: October 29, 2013

LAW OFFICES OF STEPHEN LABIAK

/s/ Stephen Labiak
STEPHEN LABIAK
Attorney for Plaintiff

ORDER

Based on the parties' Stipulation, the Scheduling Conference presently set for November 5, 2013, is continued to January 23, 2014, at 9:30 a.m. in Courtroom 7.

IT IS SO ORDERED.

Dated: October 30, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE