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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

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 January 23, 2014, be further continued to March 27, 2014, at 9:15 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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2 Dated: January 16, 2014
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Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

4 /s/ Benjamin E. Hall
5 BENJAMIN E. HALL
6 Assistant U.S. Attorney
7 Attorney for Defendant

8
9 Dated: January 16, 2014

LAW OFFICES OF STEPHEN LABIAK

10 /s/ Stephen Labiak
11 STEPHEN LABIAK
12 Attorney for Plaintiff

13 **ORDER**

14 Based on the parties' Stipulation, the Scheduling Conference presently set for January 23,
15 2014, is continued to March 27, 2014, at 9:15 a.m. in Courtroom 7.
16

17 IT IS SO ORDERED.

18 Dated: **January 16, 2014**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE