

1 BENJAMIN B. WAGNER
United States Attorney
2 JEFFREY A. SPIVAK
Assistant United States Attorney
3 United States Courthouse
2500 Tulare Street, Suite 4401
4 Fresno, California 93721
(559) 497-4000 Telephone
5 (559) 497-4099 Facsimile

6 Attorneys for United States of America

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 APPROXIMATELY \$28,120.00 IN U.S.
CURRENCY,
15 Defendant.

1:13-CV-00640-AWI-BAM

STIPULATION TO (1) STAY DISCOVERY
FOR 120 DAYS (2) WITHDRAW
CLAIMANT'S MOTION TO STAY
DISCOVERY, AND (3) CONTINUE
SCHEDULING CONFERENCE ORDER
DATES; ORDER

16
17 The United States of America and claimant Jean Labanda ("Claimant"), by and
18 through their attorneys of record, hereby stipulate to stay discovery for 120 days. The
19 parties also stipulate that Claimant's motion to stay discovery (ECF No. 30) is withdrawn.
20 The parties finally stipulate and move for a continuance of the dates currently set forth in
21 the Court's Scheduling Order (ECF No. 26).

22 On April 15, 2014, Claimant filed a motion to dismiss the complaint. (ECF No. 29).
23 On April 30, 2014, Claimant filed a motion to stay discovery pending a ruling on the
24 motion to dismiss. (ECF No. 30).

25 The parties jointly agree to stay discovery for 120 days (from the date of entry of
26 this order), pending a ruling on the motion to dismiss. The parties' agreement obviates
27 the need for a ruling on Claimant's motion to stay discovery and Claimant agrees that the
28 motion to stay (ECF No. 30) is withdrawn. If the Court denies the motion to dismiss (ECF

No. 29), the parties may commence discovery immediately. If, after the conclusion of 120 days, the motion to dismiss has not been decided, the parties will meet and confer and attempt to reach agreement on the handling of discovery.

The parties' current agreement to stay discovery for 120 days leaves the parties with insufficient time to conduct discovery given the current schedule. The parties therefore request a continuance of all dates set forth in the scheduling order, including the trial date.

The parties hereby stipulate and propose that the dates set forth in the Court's Scheduling Order (ECF No. 26) be changed to the following dates. The parties understand the Court's schedule may not allow for the exact dates requested and agree to any alternate dates proposed by the Court.

Scheduling Order Date	Current Date/Deadline	Proposed New Date
Non-Expert Discovery Cutoff	October 10, 2014	January 10, 2015
Expert Disclosure	October 10, 2014	January 10, 2015
Supplemental Expert Disclosure	November 7, 2014	February 5, 2015
Expert Discovery Cutoff	December 12, 2014	March 11, 2015
Non-Dispositive Motion Filing	January 5, 2015	May 8, 2015
Dispositive Motion Filing	March 6, 2015	June 10, 2015
Pre-Trial Conference Date	June 10, 2015	September 12, 2015
Jury Trial Date	August 11, 2015	November 15, 2015

The parties believe that, given the pending dispositive motion, the Court's granting of such continuance would be in the best interests of the parties and judicial economy.

DATED: May 2, 2014

Respectfully submitted,
BENJAMIN B. WAGNER
United States Attorney

/s/ Jeffrey A. Spivak
JEFFREY A. SPIVAK

Assistant United States Attorney

DATED: May 2, 2014

/s/ Jacek W. Lentz
JACEK W. LENTZ, ESQ.
Attorney for Claimant Jean Labanda
(As authorized by email May 2, 2014)

ORDER

The Court having considered the parties' Stipulation finds that good cause exists to GRANT the parties' stipulation. Accordingly IT IS HEREBY ORDERED that:

1. Discovery is **STAYED** for 120 days from the date of entry of this order;
2. Claimant's motion to stay discovery (ECF No. 30) is withdrawn and the hearing set for May 27, 2014 at 11:00 am is **VACATED**;
3. All dates currently set forth in the Court's Scheduling Order (ECF No. 26) shall be rescheduled to the following dates:
 1. **Non-Expert Discovery Cutoff:** January 10, 2015
 2. **Expert Disclosures:** January 10, 2015
 3. **Rebuttal Expert Disclosures:** February 5, 2015
 4. **Expert Discovery Cutoff:** March 11, 2015
 5. **Non-Dispositive Motion Filing:** May 8, 2015
 6. **Dispositive Motion Filing:** June 10, 2015
 7. **Pre-Trial Conference:** September 16, 2015 at 10:00 a.m.
 8. **Jury Trial:** November 17, 2015 at 8:30 a.m.

IT IS SO ORDERED.

Dated: May 14, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE