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8	LINITED STATE	S DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA		
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11	U.S. EQUAL EMPLOYMENT)	Case No.: 1:13-CV-1544 LJO SKO	
12	OPPORTUNITY COMMISSION,)) \ EX PARTE MOTION TO CONTINUE	
13	Plaintiff,	MANDATORY SCHEDULING CONFERENCE; ORDER THEREON	
14	vs.	CONFERENCE; ORDER THEREON	
15	Z FOODS d/b/a ZORIA FARMS, ZORIA		
16	FARMS, INC.,) Defendant(s).		
17	Defendant(S).		
18	,		
19			
20	On September 24, 2013, the EEOC filed the instant action against Defendants Zoria		
21	Farms Inc (hereinafter "Zoria Farms") and Z Foods d/b/a Zoria Farm ("Z Foods"). (See		
22	Docket No. 1).		
23	On September 25, 2013, the Court issued an Order Setting a Mandatory Scheduling		
24	Conference for February 13, 2014. (Docket No. 3). Pursuant to that Order, the joint scheduling		
25	report is due on February 6, 2014 and the parties must meet and confer pursuant to Rule 26(f)		
26	by January 24, 2014.		
27	On September 30, 2013, funding for the federal government lapsed and Plaintiff Equa		
28	Employment Opportunity Commission ("EEOC") moved the court to stay these proceeding a		

counsel for the EEOC was prohibited from working on this matter during the federal 2 government shutdown on October 1, 2013. (Docket No. 4). On October 2, 2013, the Court granted the motion to stay for the duration of the government shutdown and ordering that "Plaintiff shall file a notice with the Court within three (3) court days after funding is restored along with a proposed order lifting this stay." (Docket No. 5). On October 17, 2013, funding for the federal government was restored and Plaintiff EEOC resumed operations.

Thereafter, the EEOC successfully served Defendants Zoria Farms Inc. and Z Foods within the one hundred and twenty (120) days allotted under Rule 4(m) of the Rules of Civil Procedure. The EEOC successfully served Z Foods on January 8, 2014. (Docket No. 8).

Starting in early December 2013, the EEOC attempted to serve Zoria Farms. After numerous attempts over a two month period, the EEOC was able to finally serve Zoria Farms on January 21, 2014 through service by certified U.S. mail as permitted by state law. See Rule 4(e)(1); Cal. Civ. Proc. Code §1013(a). Pursuant to the Federal Rules and California Code of Civil Procedure Section 1013, Defendant Zoria Farms has twenty-six days to answer the complaint, making responsive pleadings due February 16, 2014.

Good cause exists to continue the Mandatory Scheduling Conference for thirty (30) days. Responsive pleadings by Zoria Farms will illuminate several critical issues, including what affirmative defenses Zoria Farms will raise and thus the scope of discovery. Thus, the EEOC respectfully requests an ex parte motion to continue the initial scheduling conference as the deadline for the Rule 26(f) conference, the joint scheduling report, as well as the joint scheduling conference itself will occur before Defendant Zoria Farms Inc make an appearance. Furthermore, the requested continuance will not result in any undue delay or prejudice to either party as it would permit one of the Defendants to participate in those proceedings.

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1	Accordingly, the EEOC requests that this Court continue the Mandatory Scheduling		
2	Conference, which is currently set for February 13, 2014 for a period of thirty (30) days.		
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4			Respectfully submitted,
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6	Dated: Janua	ary 31, 2014	/s/ Rumduol Vuong
7			RUMDUOL VUONG, Trial Attorney
8			U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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11	ORDER		
12	Pursuant to Plaintiff's ex parte request, IT IS HEREBY ORDERED that:		
13	1.	-	et for February 13, 2014, is CONTINUED to March
14	13, 2014, at 10:00 a.m. in Courtroom 7; and		
15	2.	2. The parties shall conduct their Rule 26(f) conference by or on February 21, 2014	
16		and their joint scheduling rep	oort shall be filed on or before March 6, 2014.
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18 19	IT IS SO ORDERED.		
20	Dotadi	January 31, 2014	/s/ Shoila K. Oharta
20	Dated:	January 31, 2014	<u>/s/ Sheila K. Oberto</u> UNITED STATES MAGISTRATE JUDGE
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