

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

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

10 Starting in early December 2013, the EEOC attempted to serve Zoria Farms. After
11 numerous attempts over a two month period, the EEOC was able to finally serve Zoria Farms
12 on January 21, 2014 through service by certified U.S. mail as permitted by state law. *See* Rule
13 4(e)(1); Cal. Civ. Proc. Code §1013(a). Pursuant to the Federal Rules and California Code of
14 Civil Procedure Section 1013, Defendant Zoria Farms has twenty-six days to answer the
15 complaint, making responsive pleadings due February 16, 2014.

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

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