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GENERAL, UNITED STATES POSTAL SERVICE
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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 FELIPE S. QUINONES,)
) 1:13-cv-01553-LJO-EPG
12 Plaintiff,)
) **STIPULATION TO CONTINUE TRIAL,**
13 v.) **PRE-TRIAL DATES;**
) **ORDER**
14 PATRICK R. DONAHOE, POSTMASTER)
GENERAL, UNITED STATES POSTAL SERVICE,) (ECF No. 42)
15 Defendant.)
16)
17)

18 Plaintiff Felipe S. Quinones (“Plaintiff”) and Defendant Megan J. Brennan, (“Defendant”), by
19 and through the undersigned counsel for the respective parties, hereby stipulate to the dates in this
20 action for the good cause set forth below.

21 Plaintiff challenges his removal from the position of a part time flexible clerk in the Lindsay
22 Post Office alleging religious discrimination. Defendant disputes Plaintiff’s claims because it would
23 be an undue hardship on the operations of the Lindsay Post Office to allow Plaintiff to have every
24 Saturday off as there is only one other part time clerk to perform those duties on Saturdays. The
25 parties have exchanged 6,000 pages of documents and taken four depositions, with five more
26 confirmed at this time.¹

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28 ¹ The parties have taken four depositions: Glenda Bolosan, Froilan Bolosan, Linda Diniakos, and APWU president Michael Evans. The parties have confirmed the deposition of Plaintiff Felipe

1 In an effort to conserve attorneys fees and costs, the parties request to extend all deadlines for
2 approximately six-weeks to allow the Defendant to provide a written settlement offer with two weeks
3 to consider the demand prior to returning to completing the remaining ten lay depositions, and at least
4 two expert depositions. The parties have engaged in approximately three months of on-going
5 settlement negotiations, including a productive settlement conference with the Honorable Judge
6 Thurston on August 26, 2015.² Although resolution was not reached in August, the negotiations led
7 to a better understanding of the parties' settlement parameters (i.e., reinstatement for Plaintiff) and a
8 renewed effort by counsel to reach a mutually agreeable compromise. Meanwhile, because no
9 settlement was reached, Plaintiff retained Tim Sottile as co-counsel in this matter, to serve as lead
10 trial counsel, and the parties allowed a brief amount of time for co-counsel to review the file
11 materials.³

12 Before more fees and costs are incurred that could hinder a resolution of the lawsuit, Plaintiff
13 submitted a partial settlement demand to which the Defendant will respond with a written offer and
14 allow Plaintiff approximately two weeks to consider the offer of a complete resolution of the lawsuit.
15 Because the parties are committed to focusing their efforts on resolution before incurring additional
16 fees and costs, there is an agreement to return to Judge Thurston, if necessary, on November 10,
17 2015, should negotiations amongst counsel be unsuccessful. While the parties are optimistic that
18 resolution can be completed by November 10, 2015, they have agreed to resume conducting the
19 remaining lay and expert depositions starting with the Plaintiff's deposition on November 18, 2015.
20 Nevertheless, a brief extension of the current deadlines to allow the parties to focus on a resolution
21 before incurring additional fees and costs is warranted.

22

23 Quinones for November 18, 2015, and Mario Rodriguez and Eva Valdez for November 19, 2015.
24 The depositions of Linda LaForce and David Vance are set for November 24, 2015, and the
25 deposition of Kerry Wolny for December 1, 2015. The parties are in the process of finalizing the
deposition dates and locations for Paul Pieroni, David Peer, Scott Warkentin, Anil Olivera, and
Richard Pender.

26 ² This date was continued from June 25, 2015 as the parties were still working to narrow their
27 respective positions before using the services of Judge Thurston.

28 ³ Mr. Sottile has a trial calendared to begin the week before the present trial, and should it extend
into the following week as expected, he will have a scheduling conflict.

1 In addition to the parties commitment to seeking a resolution of the action by November 10,
2 2015, the unexpected health concerns of Plaintiff's counsel's wife necessitates that the Plaintiff's
3 deposition originally scheduled for October 27, 2015 be continued to November 18, 2015.

4 Another unexpected circumstance providing good cause for a brief extension of the current
5 deadlines is the recent recognition that Plaintiff's retained expert economist has several records, such
6 as Social Security records and employment records, that are not in the possession of Defendant's
7 retained expert economist. Rather than involve the court, the parties have agreed to extend the
8 deadline for Defendant's expert report so that all the records may be considered and discussed in
9 Defendant's report. Accordingly, good cause exists to extend the discovery deadline so that the
10 reports are as comprehensive as possible, which in turn, reduces the time for the expert depositions,
11 and may obviate the need for the depositions.⁴

12 Accordingly, the parties stipulate and agree to continue the following dates, and base it on the
13 above-stated good cause:

	Old Date	New Date	
14			
15	Close of Non Expert Discovery	December 1, 2015	February 1, 2016
16	Plaintiff's Expert Disclosure	October 8, 2015	completed
17	Defendant's Expert Disclosure	October 28, 2015	December 11, 2015
18	Rebuttal Expert Disclosure	November 2, 2015	January 15, 2016
19	Expert Discovery Cut-Off	December 1, 2015	January 30, 2016
20	Non- Dispositive Motions	December 14, 2015	February 15, 2016
21	Dispositive Motions	February 22, 2016	March 28, 2016

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27 ⁴ Although this court has already extended the discovery cut off from July 31, 2015 to December 1,
28 2015, the parties request the additional six-weeks to ensure the parties devote their time and energies
to resolution on or before November 10, 2015.

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Pre Trial Conference

April 19, 2016

May 16, 2016

Trial Date:

July 19, 2016 (3-4 days)

September 19, 2016

Respectfully submitted,

BENJAMIN B. WAGNER
UNITED STATES ATTORNEY

Dated: October 26, 2015

/s/Alyson A. Berg
ALYSON A. BERG
Attorney for Defendant Megan A. Brennan
Postmaster General, United States Postal Service

CHURCH STATE COUNCIL

Dated: October 26, 2015

(As authorized 10/26/15)
/s/Alan J. Reinach
Alan J. Reinach
Jonathon Cherne
Attorneys for Plaintiff Felipe S. Quinones

SOTTILE & BALTAXE

Dated: October 26, 2015

(As authorized 10/26/15)
/s/Timothy Sottile
Timothy Sottile
Attorneys for Plaintiff Felipe S. Quinones

ORDER

The Court, having considered the above Stipulation and finding good cause to amend its previous scheduling order, orders the following deadlines to be continued as follows:

	PREVIOUS DATE	NEW DATE
Non-expert discovery cutoff	December 1, 2015	February 1, 2016
Defendant's Expert Disclosure	October 28, 2015	December 11, 2015
Rebuttal Expert Disclosure	November 2, 2015	January 15, 2016
Expert discovery cutoff	December 1, 2015	January 29, 2016
Non-dispositive motion filing deadline	December 14, 2015	February 16, 2016
Dispositive motion deadline	February 22, 2016	March 28, 2016
Pretrial Conference	January 12, 2016	May 24, 2016 Time: 8:15 a.m. Dept.: 4

All other deadlines, including the trial date of July 19, 2016, remain as previously set by the Scheduling Conference Order (ECF No. 25) as amended by prior stipulations (ECF Nos. 27, 39). The parties are advised that the Court will disfavor any further extensions or amendments to the discovery schedule.

IT IS SO ORDERED.

Dated: October 28, 2015

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE