

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

6 Attorneys for Defendant MEGAN BRENNAN, POSTMASTER  
 GENERAL, UNITED STATES POSTAL SERVICE  
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8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10  
 11 FELIPE S. QUINONES,  
 12 Plaintiff,  
 13 v.  
 14 PATRICK R. DONAHOE, POSTMASTER  
 GENERAL, UNITED STATES POSTAL  
 15 SERVICE,  
 16 Defendant.  
 17

CASE NO. 1:13-cv-01553-DAD-EPG  
**STIPULATION AND ORDER TO  
 CONTINUE PRE-TRIAL AND TRIAL  
 DATES**

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 continue the dates  
 20 in this action for the good cause set forth below.

21 This action arises from Plaintiff’s challenge to his removal from the position of a part time  
 22 flexible clerk in the Lindsay Post Office alleging religious discrimination. Defendant disputes  
 23 Plaintiff’s claims because it would be an undue hardship on the operations of the Lindsay Post Office  
 24 to allow Plaintiff to have every Saturday off as there is only one other part time clerk to perform  
 25 those duties on Saturdays.

26 After engaging in extensive discovery including exchanging over 13,000 pages of documents  
 27 and taking nine depositions, with three more confirmed for January 28, 2016, the parties agree that  
 28 with a short continuance the matter will be in a position for motions for summary judgment. At this

1 time there are only four remaining depositions to be taken of the Postal Service management  
2 personnel which need to be set after the parties resolve their disputes regarding the scope of  
3 discovery in connection with Plaintiff's disparate treatment claim, including but not limited to the  
4 question of applicable "comparators." The parties are also continuing their meet and confer efforts  
5 regarding the scope of discovery as it pertains to the question of what constitutes an "adverse action"  
6 in the context of the claims alleged in the First Amended Complaint as limited by Judge O'Neill's  
7 Order on the Defendant's Motion to Dismiss.

8         These meet and confer efforts continue while Defendant is finalizing its review of almost  
9 2000 pages of potentially responsive documents to the Plaintiff's discovery requests for relevancy,  
10 and the proper redactions of attorney-client communications. It is anticipated the production will  
11 occur on or before February 1, 2016. Meanwhile to conserve the Court's and parties' time and  
12 resources, additional time is necessary to allow the parties to reach a compromise and potentially  
13 avoid any future motions on the scope of the documents to be produced to Plaintiff, which affect the  
14 remaining four depositions. While the parties are optimistic that they can resolve most of their  
15 differences informally, a brief extension of the current deadlines to allow the parties to thoroughly  
16 exhaust their meet and confer efforts before seeking court intervention is warranted.

17         After court intervention, if necessary on limited matters, the parties intend to promptly file  
18 motions for summary judgment. The parties agree that it is in the best interest of all involved  
19 (including the Court) that the dispositive motions not be filed until a ruling is made on the disputed  
20 discovery issues. Otherwise, the parties fear that the motions will be filed and then objections raised  
21 that will delay any rulings and ultimately require that the trial date be continued. To avoid the  
22 motions being filed without an adjudication of the disputed legal issues, including but not limited to,  
23 the scope of comparators and the application of the "adverse action" requirement to the claims  
24 alleged by Plaintiff, would result in multiple depositions of the same witnesses which can be avoided  
25 by seeking court intervention before conducting the final four depositions.

26         In an effort to continue the good faith efforts by the parties to resolve their discovery disputes  
27 informally and conserve judicial resources until absolutely necessary, and allow for complete  
28 dispositive motions, the parties stipulate and agree to continue the following dates, and base it on the

1 above-stated good cause:

	<b>Old Date</b>	<b>New Date</b>	
2			
3	Close of Non Expert Discovery	February 1, 2016	April 11, 2016
4	Non- Dispositive Motions	February 15, 2016	April 25, 2016
5	Dispositive Motions	March 28, 2016	June 6, 2016
6	Pre Trial Conference	May 24, 2016	September 6, 2016
7	Trial Date:	July 19, 2016 (3-4 days) <sup>1</sup>	October 25, 2016
8			

9 Respectfully submitted,

10 BENJAMIN B. WAGNER  
11 UNITED STATES ATTORNEY

12 Dated: January 26, 2016

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

16 CHURCH STATE COUNCIL

17 Dated: January 26 , 2016

(As authorized 01/26/16)  
/s/Alan J. Reinach  
18 Alan J. Reinach  
19 Jonathon Cherne  
20 Attorneys for Plaintiff Felipe S. Quinones

SOTTILE & BALTAHE

21 Dated: January 26, 2016

(As authorized 01/26/16)  
/s/Timothy Sottile  
22 Timothy Sottile  
23 Attorneys for Plaintiff Felipe S. Quinones

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27 <sup>1</sup> The parties also discussed that the trial cannot likely be concluded in three to four days as originally  
28 anticipated. Based on the number of witnesses and documents, it is agreed that an eight day trial  
estimate after jury selection is more realistic.

**ORDER**

Having reviewed the stipulation submitted by the parties, the dates are continued as referenced above.

IT IS SO ORDERED.

Dated: January 26, 2016



DALE A. DROZD

UNITED STATES DISTRICT JUDGE