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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10
11 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

12 Plaintiff,

13 v.

14 FARMERS INSURANCE EXCHANGE,
AND DOES 1-10, INCLUSIVE,

15 Defendant(s).
16 _____/

Case No.: 1:13-CV-01574 AWI SKO

**FOURTH JOINT STIPULATION AND
ORDER TO EXTEND DISCOVERY AND
TRIAL DEADLINES**

Action Filed: September 30, 2013

Trial Date: December 6, 2016

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19 Plaintiff United States Equal Employment Opportunity Commission (“EEOC” or
20 “Plaintiff”) and Defendant Farmers Insurance Exchange (“Farmers” or “Defendant”), through
21 their respective counsel of record, hereby respectfully request a continuance of the Scheduling
22 Order and accompanying deadlines.

23 On September 30, 2013, the EEOC filed the instant action pursuant to Title VII of the Civil
24 Rights Act of 1964 and Title I of the Civil Rights Act of 1991. Defendant filed a motion to
25 dismiss the action on January 28, 2014, EEOC filed an opposition on February 24, 2014, and
26 Defendant filed a reply on March 3, 2014. On March 4, 2014, the Court took the matter under
27 submission. The Court issued a ruling on the matter on May 30, 2014, denying Defendant’s
28 motion to dismiss.

1 Defendant filed an Answer to the Complaint on June 13, 2014, and an initial scheduling
2 order was issued by the Court in this matter on July 11, 2014.

3 Since that time, the parties have submitted three stipulations to extend time with the most
4 recent occurring on October 15, 2015. During this time, the parties have only sought the court's
5 assistance with one discovery dispute (regarding a protective order). The parties have devoted
6 extensive efforts to resolving this matter. Since the October 15, 2015 joint stipulation, the parties
7 have participated in a private mediation and conducted several follow up telephonic conferences to
8 continue the progress made at the mediation. While the parties are not ready to file a notice of
9 settlement, the parties have come to a tentative agreement on one of the key issues (monetary
10 relief) and are attempting to resolve the remaining issues (injunctive remedies). Accordingly, the
11 parties now stipulate pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure as
12 follows:

13 **1. Good Cause To Extend Discovery Deadlines**

14 The parties come before the Court to seek a fourth and last extension of the discovery and
15 trial deadlines. The parties seek the current extension, which extends most of the current
16 deadlines by approximately three (3) months, to permit the parties to finalize settlement. The
17 parties have made substantial progress on this matter, conducting a private mediation in December
18 2015 before the Honorable Margaret A. Nagle (Ret.) and finally coming to a tentative agreement
19 on the monetary terms. As the EEOC contends that any EEOC settlement requires a consent
20 decree containing both monetary and injunctive remedies, the parties cannot file a notice of
21 settlement until they come to an agreement on the injunctive remedies. As such, the parties seek
22 this extension, or in the alternative a stay, to permit the parties to come to a resolution on the
23 injunctive remedies without diverting resources and attention to litigation matters. Litigation of
24 this matter would entail discovery and dispositive motions. Providing the parties additional time
25 to attempt to reach a resolution would thus preserve the parties as well as the court's resources.
26 As such, the parties request that the Court, for good cause, grant the parties' fourth request for an
27 extension of time.

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2. Stipulation to Conduct Settlement Conference

The parties stipulate that the Joint Scheduling Order be amended to reflect the following new deadlines:

- a. Non-expert discovery shall be completed by June 17, 2016;
- b. Expert disclosure shall be completed by July 15, 2016;
- c. Supplemental expert disclosure shall be completed by August 12, 2016;
- d. Expert discovery shall be completed by September 27, 2016;
- e. Non-dispositive motions shall be submitted by September 26, 2016 and heard by October 27, 2016;
- f. Dispositive motion shall be submitted by October 18, 2016 and heard by November 29, 2016;
- g. Pretrial conference shall be held on January 18, 2017; and
- h. Trial shall commence March 21, 2017.

IT IS SO STIPULATED.

Date: February 16, 2015

By: /s/ Rumduol Vuong
 Rumduol Vuong
 Attorney for Plaintiff U.S. EEOC

SEYFARTH SHAW

Date: February 16, 2015

By: /s/ Laura Maechtlen
 Laura Maechtlen
 Attorney for Defendant Farmers Insurance Exchange

1 **ORDER**

2 Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that the parties' stipulated
3 request for continuance of all deadlines to complete settlement shall be GRANTED IN PART to
4 allow the parties sufficient time to complete settlement negotiations while accommodating the
5 Court's calendar. The Scheduling Order is modified as follows:

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<u>Case Management Event:</u>	<u>Prior-Operative Deadline:</u>	<u>New Operative Deadline:</u>
7 Non-Expert Discovery Deadline	March 18, 2016	June 17, 2016
8 Expert Disclosures	April 15, 2016	June 29, 2016
9 Rebuttal-Supplemental Expert Disclosures	May 13, 2016	July 8, 2016
10 Expert Discovery Deadline	June 27, 2016	July 22, 2016
11 Non-Dispositive Motion Filing Deadline	June 26, 2016	July 27, 2016
12 Non-Dispositive Motion Hearing Deadline	July 27, 2016	August 24, 2016
13 Dispositive Motion (MSJ) Filing Deadline	July 18, 2016	August 1, 2016
14 Dispositive Motion (MSJ) Hearing Deadline	August 29, 2016	September 6, 2016
15 Final Pre-Trial Conference	October 13, 2016 10:00 a.m., Ctrm 2	October 20, 2016
16 TRIAL	December 6, 2016 8:30 a.m., Ctrm 2 (5-7 trial days)	Unchanged

17 IT IS SO ORDERED.

18 Dated: **February 23, 2016**

19 **/s/ Sheila K. Oberto**
20 UNITED STATES MAGISTRATE JUDGE