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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
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<p>11 NATIVIDAD GUTIERREZ,</p> <p>12 Plaintiff,</p> <p>13 vs.</p> <p>14 SIERRA 7-ELEVEN FRANCHISE OWNERS</p> <p>15 ASSOCIATION dba 7-ELEVEN; SZH</p> <p>16 PROPERTIES, LLC, a California Limited</p> <p>Liability Company; 7-ELEVEN, INC.,</p> <p>17 Defendants.</p>	<p>) No. 1:13-CV-01637-AWI-SMS</p> <p>)</p> <p>) PLAINTIFF’S REQUEST TO CONTINUE</p> <p>) MANDATORY SCHEDULING</p> <p>) CONFERENCE TO AFFORD ALL</p> <p>) DEFENDANTS TIME TO APPEAR;</p> <p>) ORDER THEREON</p>
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19 **WHEREAS**, a scheduling conference is currently set in this matter for January 15,

20 2014, and a joint scheduling report is to be filed no later than January 8, 2014 (Dkt. 5);

21 **WHEREAS**, Defendant, 7-Eleven, Inc. (“7-Eleven”), was added as a party in the First

22 Amended Complaint filed by Plaintiff, Natividad Gutierrez (“Plaintiff”), on November 8, 2013

23 (Dkt. 8);

24 **WHEREAS**, 7-Eleven was served by Waiver of Service of Summons on November 13,

25 2013 (Dkt. 10), and its responsive pleading is therefore due January 13, 2014;

26 **WHEREAS**, the last date to complete service on all defendants pursuant to this Court’s

27 Order Setting Mandatory Scheduling Conference and Rule 4(a) of the Federal Rules of Civil

28 Procedure is February 7, 2014, and all defendants have been so served;

PLAINTIFF’S REQUEST TO CONTINUE MANDATORY SCHEDULING CONFERENCE TO AFFORD
 ALL DEFENDANTS TIME TO APPEAR; [PROPOSED] ORDER

1 **WHEREAS**, 7-Eleven's required appearance date of January 13, 2014 falls after the
2 January 8, 2014 date on which the joint scheduling report must be filed as well as the last date
3 by which the Parties are to meet and confer;

4 **WHEREAS**, Defendants, Sierra 7-Eleven Franchise Owners Association dba 7-Eleven
5 and SZH Properties, LLC (together with 7-Eleven, collectively, "Defendants") have not yet
6 appeared in this action as Plaintiff is advised that questions regarding indemnification are being
7 addressed as between Defendants prior to any responsive pleadings being filed, and Plaintiff
8 has therefore forestalled requesting any defaults;

9 **WHEREAS**, Plaintiff desires to allow Defendants time to resolve the indemnification
10 issues and appear in this action so that the Parties may meet and confer pursuant to Rule 26(f)
11 of the Federal Rules of Civil Procedure, and Defendants may participate in the drafting of the
12 required joint scheduling report;

13 **NOW, THEREFORE**, Plaintiff respectfully requests that the scheduling conference
14 currently set for January 15, 2014 be continued to a date, at the Court's convenience, after
15 January 31, 2014.

16 Dated: December 16, 2013

MOORE LAW FIRM, P.C.

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18 */s/ Tanya E. Moore*
19 Tanya E. Moore
20 Attorneys for Plaintiff,
21 Natividad Gutierrez

22 **ORDER**

23 Upon request of Plaintiff and good cause appearing,

24 **IT IS HEREBY ORDERED** that the Mandatory Scheduling Conference currently set
25 for January 15, 2014 be continued to February 26, 2014 at 11:00 am before Magistrate Judge
26 Sandra M. Snyder in Courtroom 1 of the above-entitled Court, and that the parties file a Joint
Scheduling Report no later than seven (7) days prior to the conference.

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IT IS FURTHER ORDERED that Plaintiff shall immediately serve a copy of this Order on all defendants named in the action.

IT IS SO ORDERED.

Dated: 12/16/2013

/s/ SANDRA M. SNYDER
SANDRA M. SNYDER
United States Magistrate Judge