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UNION PACIFIC RAILROAD COMPANY

8
9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 TREVOR WEEKS

12 Plaintiff,

13 v.

14 UNION PACIFIC RAILROAD COMPANY,
15 a Delaware Corporation

16 Defendant.

Case No. 13-cv-01641-AWI-JLT

**DEFENDANT UNION PACIFIC
RAILROAD COMPANY'S REQUEST TO
MODIFY THE PRETRIAL SCHEDULING
ORDER TO CONTINUE THE
MANDATORY SETTLEMENT
CONFERENCE AND ORDER**

(Doc. 29)

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Case No. 13-cv-01641-AWI-JLT

DEFENDANT UNION PACIFIC RAILROAD COMPANY'S REQUEST TO MODIFY THE PRETRIAL
SCHEDULING ORDER TO CONTINUE THE MANDATORY SETTLEMENT CONFERENCE AND
ORDER

1 Defendant Union Pacific Railroad Company ("UPRR") respectfully requests the Court
2 modify its Pretrial Scheduling Order (ECF No. 11) to continue the April 29, 2015 mandatory
3 settlement conference with Magistrate Judge Jennifer L. Thurston until after the Court rules on
4 UPRR's Motion for Summary Judgment, or Alternatively, Partial Summary Judgment. (ECF No.
5 25) (the "Motion"). On March 2, 2015, UPRR filed the Motion and noticed a hearing for April 6,
6 2015. Pursuant to Local Rule 230(c), Plaintiff's Opposition was due March 23, 2015, two weeks
7 before the hearing date. Plaintiff did not file an opposition to the Motion. On March 30, 2015,
8 UPRR filed a Reply regarding the Motion. (ECF No. 26). On March 31, 2015, the Court vacated
9 the hearing and set the matter for decision on the papers. (ECF No. 28).

10 Given Plaintiff's failure to oppose the Motion, UPRR respectfully requests the Court vacate
11 the upcoming settlement conference and schedule it after the Court rules on the Motion. This will
12 help promote judicial economy because the parties will not be forced to attend a settlement
13 conference while an unopposed summary judgment motion is pending.

14
15 DATED: April 6, 2015

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

17 By: /s/ Jill V. Cartwright
18 Charles L. Thompson, IV
19 Jill V. Cartwright

20 Attorneys for Defendant
UNION PACIFIC RAILROAD COMPANY

1 **ORDER**

2 Because Defendant indicates it is not in a position to discuss settlement until after it
3 receives a ruling on its dispositive motion, the April 29, 2015 settlement conference is
4 **VACATED.** If, in the future, the settlement posture of the case changes, counsel may file a joint
5 request that a settlement conference be placed on calendar.

6
7 IT IS SO ORDERED.

8 Dated: **April 6, 2015**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE