

1 Paul J. Bauer #202752
Tracy E. Blair #199107
2 WALTER & WILHELM LAW GROUP
A Professional Corporation
3 205 E. River Park Circle, Suite 410
Fresno, CA 93720
4 Telephone: (559) 435-9800
Facsimile: (559) 435-9868
5 E-mail: pbauer@W2LG.com
tblair@W2LG.com

6 Attorneys for Plaintiff Silvia Lopez

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 SILVIA LOPEZ,

12 Plaintiff,

13 v.

14 GENEVIEVE SHIROMA, an individual;
CATHRYN RIVERA-HERNANDEZ, an
15 individual; J. ANTONIO BARBOSA, an
individual; SILAS SHAWVER, an individual;
16 and DOES 1 – 20,

17 Defendants.

CASE NO. 1:14-CV-00236-LJO-GSA

**STIPULATION AND ORDER TO
RESCHEDULE MOTION TO DISMISS
AND EXTEND DEADLINE TO FILE
ANTI-SLAPP MOTION**

18 Pursuant to Civil Local Rules 143 and 144, Plaintiff Silvia Lopez (“Plaintiff”) and
19 Defendants Genevieve Shiroma, Cathryn Rivera-Hernandez, J. Antonio Barbosa, and Silas
20 Shawver (“Defendants”) (collectively, the “Parties”) stipulate and agree, by and through their
21 respective Counsel, and hereby request this Court reschedule Defendants’ Motion to Dismiss,
22 and extend the deadline to file any anti-SLAPP motion, as follows:

23 **RECITALS**

24 1. On February 21, 2014, Plaintiff filed a Complaint for Declaratory Relief and
25 Damages for Violation of Due Process under the Fourteenth Amendment and Right of
26 Association under the First Amendment against Defendants (the “Complaint”). Defendants’
27 response to the Complainant was due on or about March 14, 2014.

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1 2. Prior to Defendants’ response being due, Counsel for Defendants requested an
2 extension to respond to the Complaint, which was agreed to by Counsel for Plaintiff. On April
3 21, 2014, after obtaining an extension to file a responsive pleading to the Complaint under Civil
4 Local Rule 144(a), Defendants filed a Motion to Dismiss.

5 3. Under the current briefing schedule for the Motion to Dismiss: (1) Plaintiff’s
6 Opposition Brief is due on or before May 7, 2014; (2) Defendants’ Reply Brief is due on or
7 before May 14, 2014; and (3) the hearing regarding the Motion to Dismiss is scheduled to
8 commence on May 21, 2014.

9 4. The Parties stipulate and agree to reschedule the Motion to Dismiss hearing as
10 follows: (1) Plaintiff will file her Opposition Brief on or before May 23, 2014; (2) Defendants
11 will file their Reply Brief on or before June 9, 2014; and (3) the hearing regarding the Motion to
12 Dismiss will be held on June 16, 2014, or the first available date thereafter. Good cause exists to
13 reschedule the Motion to Dismiss because it is broad in scope and is regarding complex issues.
14 It is in the best interests of the Parties and of this Court, is in the interest of fairness, and would
15 promote judicial economy, to allow the Parties adequate time to respond to the issues raised by
16 the Motion to Dismiss.

17 5. Furthermore, Defendants are evaluating the merit of a motion under California
18 Code Civil Procedure § 425.16 (“anti-SLAPP motion”). *See United States ex rel. Newsham v.*
19 *Lockheed Missiles & Space Co.*, 190 F.3d 963, 973 (9th Cir. 1999) (explaining that the anti-
20 SLAPP statute applies in federal court). The Parties agree, however, that it is in the best interests
21 of the Parties and of this Court, and would promote judicial economy, to allow the Parties to
22 resolve the issues raised by the Motion to Dismiss before any anti-SLAPP motion is filed.
23 Therefore, the Parties stipulate and agree that the deadline to file any anti-SLAPP motion should
24 be stayed pending resolution of the Motion to Dismiss. *See* Cal. Code Civ. Proc. § 425.16(f) (the
25 Court may, in its discretion, reschedule the deadline for an anti-SLAPP motion “upon terms it
26 deems proper”). Within seven (7) calendar days of entry of the Court’s order deciding the
27 Motion to Dismiss, the Parties will meet and confer and submit a proposed schedule to the Court
28 for the briefing and hearing of any anti-SLAPP motion.

1 **STIPULATION**

2 6. Therefore, the Parties respectfully stipulate and request that this Court reschedule
3 the Motion to Dismiss as follows: (1) Plaintiff's Opposition Brief is due on or before May 23,
4 2014; (2) Defendants Reply Brief is due on or before June 9, 2014; and (3) the hearing regarding
5 the Motion to Dismiss will be held on June 16, 2014, or the first available date thereafter.

6 7. Furthermore, the Parties respectfully stipulate and request that this Court stay the
7 deadline by which to file any anti-SLAPP motion pending resolution of the Motion to Dismiss.
8 Within seven (7) calendar days of entry of the Court's order deciding the Motion to Dismiss, the
9 Parties will meet and confer and submit a proposed schedule to the Court for the briefing and
10 hearing of any anti-SLAPP motion.

11 8. Furthermore, the Parties respectfully stipulate and request that this Court vacate
12 the joint scheduling conference currently scheduled before Magistrate Judge Gary S. Austin on
13 May 22, 2014, and order the conference be held within 60 days after the Court's ruling on the
14 Motion to Dismiss is filed. Any meet and confer requirements thereto and statements required to
15 be submitted to this Court shall be scheduled from the new joint scheduling conference date.

16 Dated: May 2, 2014

WALTER & WILHELM LAW GROUP,
a Professional Corporation

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18
19 /s/ Paul J. Bauer, Esq. _____
Paul J. Bauer
Attorneys for Plaintiff

20
21 ATTORNEY GENERAL OF CALIFORNIA

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23
24 Dated: May 2, 2014

/s/ Aaron Jones _____
Aaron Jones
Attorneys for Defendants

1 **ORDER**

2 Based on the Parties' Stipulation to Reschedule Motion to Dismiss and Extend Deadline
3 to File an Anti-SLAPP Motion, and good cause appearing therefore,

4 IT IS HEREBY ORDERED that:

5 The briefing schedule regarding Defendants' Motion to Dismiss shall be as follows:

- 6 1. Plaintiff's Opposition Brief is due on or before May 23, 2014.
- 7 2. Defendants' Reply Brief is due on or before June 9, 2014.
- 8 3. The hearing regarding the Motion to Dismiss will be held on June 16,
9 2014, at 8:30 a.m., or the first available date thereafter.

10 IT IS FURTHER ORDERED THAT:

11 The deadline to file any anti-SLAPP motion is hereby stayed pending resolution of the
12 Motion to Dismiss. Within seven (7) calendar days after entry of the Court's order deciding the
13 Motion to Dismiss, the Parties shall meet and confer and submit a proposed schedule to the
14 Court for the briefing and hearing of any anti-SLAPP motion.

15 IT IS FURTHER ORDERED THAT:

16 The joint scheduling conference currently scheduled before Magistrate Judge Gary S.
17 Austin on May 22, 2014, is hereby continued, and will now be held on August 20, 2014, at 10:00
18 a.m. Any meet and confer requirements thereto and statements required to be submitted to this
19 Court shall be scheduled from the new joint scheduling conference date.

20 IT IS SO ORDERED.

21 Dated: May 5, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE