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 7 **SENTOSA PROPERTIES LLC, a Washington**
limited liability company, and Specially Appearing
 8 Defendants **EUGENE WONG, ARNOLD HUANG**
AND ELIZABETH HUANG

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15 Attorneys for Plaintiffs
 16 **WILLIAM BARKETT, MONTEREY FINANCIAL**
ADVISORS LLC, WASCO INVESTMENTS LLC

17 **UNITED STATES DISTRICT COURT**
 18 **EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**

19 WILLIAM BARKETT, MONTEREY
 20 FINANCIAL ADVISORS LLC, WASCO
 INVESTMENTS LLC,

21 Plaintiffs,

22 v.

23 SENTOSA PROPERTIES LLC, ARNOLD
 24 HUANG,

25 Defendants.

Case No.: 1:14-CV-1698-LJO-JLT

**ORDER GRANTING STIPULATION TO
 CONTINUE THE MANDATORY
 SCHEDULING CONFERENCE**

(Doc. 57)

26 Plaintiffs William Barkett, Monterey Financial Advisors, LLC, and Wasco
 27 Investments LLC (collectively "Plaintiffs") and Defendants Sentosa Properties LLC and
 28 Arnold Huang (collectively "Defendants") (Plaintiffs and Defendants shall be referred to

1 herein collectively as the “Parties”), by and through their respective counsel of record named
2 herein, hereby stipulate as follows:

3 On October 20, 2014, the Court issued an Order Setting Mandatory Scheduling
4 Conference in this action (the “Scheduling Order”);

5 Pursuant to the Scheduling Order, the Court ordered the parties, or their counsel, to
6 appear for a formal scheduling conference on February 13, 2015, at 8:30 a.m. before
7 Magistrate Judge Jennifer L. Thurston, at the United States District Court located at 510 19th
8 Street, Bakersfield, California (the “Scheduling Conference”);

9 On November 5, 2014, Defendant Sentosa Properties, LLC (“Sentosa”) filed a Motion
10 to Dismiss (Docket (“DKT”) No. 9);

11 On December 1, 2014, Specially Appearing Defendant WF Capital, Inc. (“WF
12 Capital”) filed a motion to dismiss (DKT No. 19);

13 As a result of the pending motions to dismiss, the Parties stipulated to continue the
14 Scheduling Conference, and the deadlines to file the Joint Scheduling Report and make the
15 initial disclosures required by Rule 26 of the Federal Rules of Civil Procedure (“Rule 26”)
16 (DKT 46);

17 On January 26, 2015, the Court granted the Parties’ request and continued the
18 Scheduling Conference to March 31, 2015 (DKT 47), making the Joint Scheduling Report
19 and the Rule 26 initial disclosures due on March 24, 2015;

20 On February 5, 2015, the Court issued its Order on the Motions to Dismiss and
21 granted the Motions in part, including dismissals with prejudice as to the previously-named
22 Defendants Elizabeth Huang, Eugene Wong, and WF Capital, and granted Plaintiffs leave to
23 amend their fraud claim as against Defendants Sentosa and Arnold Huang only (DKT 52);

24 Plaintiffs filed a First Amended Complaint on March 9, 2015, (DKT 55) which
25 Plaintiffs contend addresses the issues raised by the Court in its Orders on the Motions to
26 Dismiss;

27 Since the First Amended Complaint was filed on March 9, 2015, Defendants are not
28 obligated to respond to the pleading until March 26, 2015; and

1 On March 10, 2015, the parties met and conferred regarding the timing of the
2 Scheduling Conference, the Joint Scheduling Report, and the Rule 26 initial disclosures. In
3 light of the fact that Defendants' response to the First Amended Complaint is not yet due,
4 and the pleadings are yet unsettled, the Parties agree that it is most efficient and appropriate
5 to continue the Scheduling Conference until after the pleadings are settled, and to continue
6 the deadlines for submission of the Joint Scheduling Report and exchange of the Rule 26
7 initial disclosures accordingly, to permit Defendants to respond to the First Amended
8 Complaint, and for the Court to rule on any responsive motion Defendants file.

9 The parties hereby stipulate, through their respective counsel of record, that the Court
10 (1) take the Scheduling Conference currently set for March 31, 2015, off calendar, (2) set a
11 new date for the Scheduling Conference after the pleadings are settled, and (3) continue the
12 deadlines for the Meet and Confer Conference, the submission of the Joint Scheduling
13 Report, and the making of the Initial Disclosures to later dates which shall be determined,
14 per the Scheduling Order and Rule 26, based on the date ultimately set for the continued
15 Scheduling Conference.

16 **IT IS SO STIPULATED.**

17
18 DATED: March __, 2015

Respectfully submitted,

19 ELIZABETH A. SPERLING
20 JESSICA L. SHARRON
21 **ALSTON & BIRD LLP**

22 _____
/s/ Jessica L. Sharron

Jessica L. Sharron

23 Attorneys for Defendant **SENTOSA PROPERTIES LLC, a**
24 **Washington limited liability company**, and Specially
Appearing Defendants **ARNOLD HUANG,**

25 DATED: March , 2015

Respectfully submitted,

26 DAVID M. GILMORE
27 STEPHEN D. BLEA
28 **GILMORE MAGNESS LEIFER**

/s/ David M. Gilmore

1 David M. Gilmore
2 Attorneys for Plaintiffs **WILLIAM BARKETT,**
MONTEREY FINANCIAL ADVISORS LLC; WASCO
3 **INVESTMENTS LLC**

4 **ORDER**

5 As noted above, the parties seek to continue the scheduling conference to allow the pleadings
6 to become settled. They also seek to continue the deadline for the initial disclosures and
7 “corresponding dates.” However, it is the practice of the Court to set the deadline for making the
8 initial disclosures at the scheduling conference, unless the parties have agreed to an earlier date.
9 (Doc. 2 at 4 [The parties joint statement is to propose “[a] for the exchange of initial disclosures
10 required by Fed.R.Civ.P. 26(a)(1) or a statement that disclosures have already been exchanged.”]
11 Thus, to the extent the parties have conducted their Rule 26(f) conference and, thereby, “started the
12 clock” for making their initial disclosures, they are relieved of that obligation until the time of the
13 scheduling conference unless they otherwise agree. The parties do not identify the “corresponding
14 dates” they contend need be expressly addressed by this order. Therefore, the Court **ORDERS:**

15 1. The mandatory scheduling conference is continued to **May 1, 2015** at 8:30 a.m. The
16 parties are relieved of their obligation to make their Rule 26 initial disclosure until the Court sets a
17 date to do so or they may agree as to a date prior, if they choose.

18
19 IT IS SO ORDERED.

20 Dated: March 12, 2015

/s/ Jennifer L. Thurston
21 UNITED STATES MAGISTRATE JUDGE