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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 **MAURICE C. MOCK,**

11 Plaintiff,

12 v.

13
14 **CALIFORNIA DEPARTMENT OF**
15 **CORRECTIONS AND**
16 **REHABILITATION; PLEASANT**
17 **VALLEY STATE PRISON; JEFFREY A**
18 **BEARD, in official capacity; JOHN KEITH,**
19 **in his individual and official capacities; and**
20 **DOES 1 through 50, inclusive,**

21 Defendants.

1:15-cv-01104-MJS

22 **STIPULATION TO CONTINUE**
23 **SETTLEMENT CONFERENCE; ORDER**

24 Date: April 11, 2017
25 Time: 10:00 a.m.
26 Courtroom: 7
27 Judge: The Honorable Sheila K. Oberto

28 Trial: October 24, 2017
Action Filed: June 15, 2015

20 A settlement conference is scheduled for April 11, 2017. Recent developments justify
21 continuing the settlement conference. The California Attorney General's Office ("AGO") has
22 thus far been representing defendants California Department of Corrections and Rehabilitation
23 ("CDCR") and John Keith. On March 2, 2017, defendant Keith filed his own discrimination
24 complaint against CDCR in the Fresno County Superior Court. Thereafter, CDCR forwarded this
25 complaint to the AGO. A conflict now exists between CDCR and Keith that will impact the
26 AGO's continued representation of both defendants. Further, this conflict potentially impacts a
27 deposition Plaintiff has noticed, requiring the deposition to be continued until conflict issues, if
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1 any, are addressed. Additionally, this case is not currently postured for settlement based on the
2 parties informal settlement discussions.

3 Based on the foregoing, the parties stipulate to taking the settlement conference off
4 calendar that is scheduled for April 11, 2017, and to taking the associated deadlines for filing and
5 serving settlement conference statements off calendar. The parties agree to meet and confer about
6 addressing scheduling issues that may be impacted by this forgoing conflict of interest. If needed,
7 the parties will seek a status conference with Judge Seng to discuss amendments to the scheduling
8 order that may be necessitated by the conflict. The parties will submit new proposed settlement
9 conference dates on or before April 28, 2017. This should allow defendants and their counsel
10 sufficient time to work through the conflict issues.

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12 SO STIPULATED.

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14 Dated: March 29, 2017

Respectfully submitted,

15 XAVIER BECERRA
16 Attorney General of California
17 DAVID J. NEILL
18 Supervising Deputy Attorney General

/s/ Matthew T. Besmer

19 MATTHEW T. BESMER
20 Deputy Attorney General
21 *Attorneys for Defendant CDCR*

22 Dated: March 29, 2017

KAHN, SOARES & CONWAY, LLP

/s/ Robert B. Zumwalt

25 Richard C. Conway
26 Robert B. Zumwalt
27 Attorneys for Plaintiff
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ORDER

Good cause appearing on the parties’ “Stipulation to Continue Settlement Conference” (Doc. 47), it is hereby ORDERED that:

The settlement conference scheduled for April 11, 2017, is VACATED, as are all deadlines for filing and service of settlement conference statements in connection with said conference.

The parties shall meet and confer about addressing scheduling issues that may be impacted by Defendants’ conflict of interest. If needed, the parties will seek a status conference with Magistrate Judge Seng to discuss amendments to the Scheduling Order that may be necessitated by the conflict. The parties shall submit new proposed settlement conference dates on or before April 28, 2017.

IT IS SO ORDERED.

Dated: March 31, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE