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

10
11 ARTHUR OWENS,
12 Plaintiff,
13 vs.
14 FRESNO FOODS, LLC, dba JACK IN THE
15 BOX #526, et al.,
16 Defendants.

) No. 1:15-cv-01526---SAB
)
) **STIPULATION FOR THIRD EXTENSION**
) **OF TIME FOR DEFENDANT FRESNO**
) **FOODS, LLC’S RESPONSIVE**
) **PLEADING AND SECOND**
) **CONTINUANCE OF MANDATORY**
) **SCHEDULING CONFERENCE; ORDER**

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18 WHEREAS, Defendant, Fresno Foods, LLC, dba Jack in the Box #526 (“Fresno
19 Foods”), is the only defendant who has been served in this action to date;

20 WHEREAS, Plaintiff, Arthur Owens (“Plaintiff,” and together with Fresno Foods, “the
21 Parties”), and Fresno Foods have previously stipulated twice to extend the time for Fresno
22 Foods to file its responsive pleading;

23 WHEREAS, the Court previously granted the Parties’ second stipulation for an
24 extension of time for Fresno Foods’ responsive pleading to January 29, 2016, and also granted
25 the Parties’ request to continue the Mandatory Scheduling Conference to March 8, 2016 at 3:00
26 p.m. (Dkt. 8);

27 WHEREAS, Plaintiff has been unable to effect service of the summons and complaint to
28 date on the sole remaining defendant, Pauline F. Kouvalas-Prew, as Trustee of the Pauline F.

1 Kouvalas-Prew Revocable Trust Dated August 15, 2011 (“Kouvalas-Prew”), and is filing a
2 request for administrative relief from the service deadline concurrently with this stipulation;

3 WHEREAS, the Parties believe that Kouvalas-Prew’s participation is necessary to
4 achieve a full settlement or resolution of Plaintiff’s claims;

5 WHEREAS, counsel for Fresno Foods has been out of the office ill, and requires
6 additional time to prepare and file Fresno Foods’ responsive pleading;

7 NOW, THEREFORE, the Parties, by and through their respective counsel, stipulate to a
8 further fourteen-day extension of time for Fresno Foods to file its responsive pleading, such that
9 the responsive pleading shall be filed on or before February 12, 2016. The Parties additionally
10 stipulate to a further continuance of the Mandatory Scheduling Conference currently set for
11 March 8, 2016 to a date at the Court’s convenience after June 6, 2016, to allow time for
12 Kouvalas-Prew to be served with the summons and complaint and to make an appearance, and
13 for the Parties to meet and confer with Kouvalas-Prew and file a joint scheduling report.

14
15 Date: February 3, 2016

MOORE LAW FIRM, P.C.

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17 /s/ Tanya E. Moore

Tanya E. Moore
Attorney for Plaintiff,
Arthur Owens

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20 Date: February 3, 2016

BHATIA & ASSOCIATES

21 /s/ Peter Cook

Peter Cook
Attorney for Defendant,
Fresno Foods, LLC, dba Jack in the Box #526

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ORDER

The parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that the time within which Defendant Fresno Foods, LLC, dba Jack in the Box #526, must file a responsive pleading is extended to and including February 12, 2016. The Mandatory Scheduling Conference currently set for March 8, 2016 is continued to June 14, 2016 at 3:00 p.m. in Courtroom 9, before Magistrate Judge Stanley A. Boone. The parties are to file their Joint Scheduling Report no later than seven days prior to the conference.

IT IS SO ORDERED.

Dated: February 4, 2016


UNITED STATES MAGISTRATE JUDGE