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14 **FRAGRANCE, INC.**

15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

17 **CAYLIN DELK,**

18 **Plaintiff,**

19 **vs.**

20  
21 **ULTA SALON, COSMETICS AND**  
**FRAGRANCE, INC., a corporation; and**  
22 **DOES 1-100, inclusive,**

23 **Defendants.**

**Case No. 1:15-cv-01651 TLN SKO**

**JOINT STIPULATION AND ORDER**  
**VACATING PRE-TRIAL**  
**SCHEDULING ORDER AND TRIAL**  
**DATE**

Complaint Filed: September 17, 2015

Trial Date: March 19, 2018

24 Pursuant to Eastern District of California Local Rule 144, Plaintiff Caylin Delk (“Delk”) and Defendant Ulta Salon, Cosmetics and Fragrance, Inc. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel of record, file this joint stipulation to vacate the pre-trial scheduling order and trial date.

1           WHEREAS, on December 22, 2016, Delk filed a Motion for Leave to file a Second  
2 Amended Complaint (“Motion”) seeking to add class allegations and two additional causes of  
3 action. Wasserman Dec. ¶ 2;

4           WHEREAS, the Hearing on Delk’s Motion was scheduled to occur on January 26, 2017.  
5 Wasserman Dec. ¶ 3;

6           WHEREAS, pursuant to the Court’s Order (Document No. 22), Delk’s Motion was  
7 submitted without oral argument and the Hearing was vacated. Wasserman Dec. ¶ 4; Exhibit A.

8           WHEREAS, the Court has not yet issued a ruling on Delk’s Motion. Wasserman Dec. ¶ 5;

9           WHEREAS, the Parties have effectively stayed discovery in this matter pending the Court’s  
10 ruling on Plaintiff’s Motion in the interest of cost and efficiency. Wasserman Dec. ¶ 6;

11           WHEREAS, the Parties have significant additional discovery to conduct regardless of the  
12 outcome of Plaintiff’s Motion. Wasserman Dec. ¶ 7;

13           WHEREAS, pursuant to the Pre-Trial Scheduling Order (Document No. 15), all discovery  
14 in this matter is to be completed by April 21, 2017. Wasserman Dec. ¶ 8;

15           WHEREAS, the Parties have not previously requested an extension of the Court’s Pretrial  
16 Scheduling Order deadlines. Wasserman Dec. ¶ 9; and

17           WHEREAS, the Parties have met and conferred regarding the foregoing, and: (a) agree that  
18 extra time is necessary to complete fact and expert discovery; (b) agree that a continuance of the  
19 pre-trial deadlines and trial date will not prejudice the Parties and is in the interests of justice; and  
20 (c) prefer to set a new scheduling order once the pleadings are set and the issues are framed.  
21 Wasserman Dec. ¶ 10.

22           WHEREFORE, with this Joint Stipulation, the Parties jointly request the following:

- 23           1.     The Court vacate the Pre-Trial Scheduling Order, including all discovery  
24           and pre-trial motion deadlines as well as the trial date; and
- 25           2.     The Parties be ordered to file a new Joint Status Report, including a  
26           proposed scheduling order, within 30 days of the Court’s ruling on Delk’s Motion.

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By /s/ Robert J. Wasserman  
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1 **ORDER**

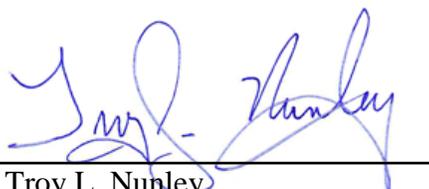
2 Pursuant to Eastern District of California Local Rule 144, stipulation of the parties hereto,  
3 and good cause appearing, **IT IS HEREBY ORDERED** as follows:

4 1. The Pre-Trial Scheduling Order (Document No. 15), including all discovery and  
5 pre-trial motion deadlines as well as the trial date, is hereby VACATED; and

6 2. The Parties are ORDERED to file a new Joint Status Report, including a proposed  
7 scheduling order, within 30 days of the Court's ruling on Delk's Motion.

8 **IT IS SO ORDERED.**

9 DATED: March 06, 2017

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Troy L. Nunley  
13 United States District Judge