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

10 EDWARD J. JOHNSON,

11 Plaintiff,

12 vs.

13 GERALD JOHNSON,

14 Defendant.

) Case No.: 1:15-CV-01793-MJS

) **JOINT STIPULATION AND ORDER TO**
) **CONTINUE MOTION TO DISMISS**
) **HEARING**

) **Hearing Date: February 12, 2016**

) **Time: 9:30 a.m.**

) **Courtroom: 6**

) **New Hearing Date: March 11, 2016**

) **New Time: 9:30 am**

) **Courtroom: 6**

) **Honorable Michael J. Seng**

17
18 IT IS HEREBY STIPULATED that the parties to this litigation, by and through their
19 respective attorneys of record, hereby stipulate and agree to continue the Motion to Dismiss
20 present hearing date of February 12, 2016 to March 11, 2016, and to continue related dates for
21 the filing of Opposition Papers and Reply correspondingly.

22 Good cause for the request is shown by the following. A Motion to Dismiss was filed by
23 Defendant on 12/7/15. On 12/9/16, Plaintiff's Counsel informed Defendant's Counsel that he
24 would be unavailable for the ensuing twenty-five days due to a long-scheduled personal/familial
25 holiday visit overseas. On 12/10/15, Plaintiff's Counsel left the country for Australia, where
26 access to the internet and phone service was unreliable and frequently unavailable. Plaintiff
27 returned to California on 1/2/16. This period of absence included the year-end religious and New
28 Year's holidays. On 1/7/16, a Status Conference, advanced from 3/3/16, was conducted

1 regarding Consent to Magistrate Jurisdiction. A *Consent to Jurisdiction of U.S. Magistrate Judge*
2 was filed by Plaintiff on 1/12/16 (Defendant had already filed Consent prior to the Status
3 Conference). Further, Plaintiff Counsel's calendar is unusually heavy due to the recent holidays
4 in that Counsel is an Independent Administrative Hearing Officer with over a dozen hearings
5 calendared and noticed for hearing and written determination prior to the scheduled date for
6 filing opposition papers to the Motion to Dismiss.

7 Given that Plaintiff was unavailable for an extended period of time, the intervening
8 holidays, the advanced Status Conference, and Plaintiff Counsel's unusually heavy calendar, a
9 continuation of an additional 28 days is reasonable. There is no genuine prejudice to any party
10 resulting from the continuance.

11 IT IS FURTHER STIPULATED that this stipulation may be signed in counterparts.

12
13 Dated: _____ 1/14/16 _____

By: ___/s/Edward Johnson_____

14 Edward J. Johnson
15 Plaintiff's Attorney in Pro Per

16 Dated: _____ 1/20/16 _____

By: ___/s/Douglas Larsen_____

17 Douglas M. Larsen
18 Attorney for Defendant

19 **ORDER**

20 Given the Joint Stipulation of the parties, and good cause appearing, **IT IS ORDERED**
21 that the Motion to Dismiss Hearing currently set for February 12, 2016 be and hereby is
22 continued to March 11, 2016, at 9:30 am in Courtroom 6 and that dates for the filing of
23 opposition and reply papers be extended correspondingly.

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25 IT IS SO ORDERED.

26
27 Dated: January 23, 2016

/s/ Michael J. Seng
28 UNITED STATES MAGISTRATE JUDGE

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