

1 Tanya E. Moore, SBN 206683  
MOORE LAW FIRM, P.C.  
2 332 North Second Street  
San Jose, California 95112  
3 Telephone: (408) 298-2000  
Facsimile: (408) 298-6046  
4 Email: service@moorelawfirm.com

5 Attorneys for Plaintiff  
Arthur Owens

6 MORGAN, LEWIS & BOCKIUS LLP  
7 Kathy H. Gao, Bar No. 259019  
kgao@morganlewis.com  
8 300 South Grand Avenue  
Twenty-Second Floor  
9 Los Angeles, CA 90071-3132  
Tel: +1.213.612.2500  
10 Fax: +1.213.612.2501

11 Attorneys for Defendant  
BRIXMOR ARBOR FAIRE OWNER, LP

12 *[Additional Counsel Listed on Next Page]*

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

17 ARTHUR OWENS,

18 Plaintiff,

19 vs.

20 BRIXMOR ARBOR FAIRE OWNER, LP;  
21 ERNEST APPLE dba L & L HAWAIIAN  
BBQ; HOME DEPOT U.S.A., INC., dba  
22 HOME DEPOT #663;

23 Defendants.

Case No. 1:16-cv-00109-EPG

[Currently Assigned to U.S. Magistrate Judge  
Hon. Erica P. Grosjean]

**JOINT STIPULATION TO CONTINUE  
SCHEDULING CONFERENCE AND  
EXTEND TIME FOR DEFENDANT  
ERNEST APPLE DBA L & L HAWAIIAN  
BBQ TO RESPOND TO PLAINTIFF'S  
COMPLAINT; ORDER**

Date: April 26, 2016

Time: 9:00 a.m.

CtRm: 10 (6th Floor)

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JOINT STIPULATION TO CONTINUE SCHEDULING CONFERENCE AND EXTEND TIME FOR  
DEFENDANT ERNEST APPLE DBA L & L HAWAIIAN BBQ TO RESPOND TO PLAINTIFF'S COMPLAINT

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
2 Including Professional Corporations  
GREGORY F. HURLEY, Cal. Bar No. 126791  
3 MICHAEL J. CHILLEEN, Cal. Bar No. 210704  
650 Town Center Drive, 4th Floor  
4 Costa Mesa, California 92626-1993  
Telephone: 714.513.5100  
5 Facsimile: 714.513.5130

6 Attorneys for Defendant HOME DEPOT  
U.S.A., INC.

7  
8 BRADY K. McGUINNESS (SBN: 1472548)  
COLEMAN & HOROWITT, LLP  
Attorneys at Law  
9 499 West Shaw, Suite 116  
Fresno, California 93704  
10 Telephone: (559) 248-4820  
Facsimile: (559) 248-4830

11 Attorneys for Defendant ERNEST APPLE,  
12 dba L & L HAWAIIAN BBQ

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JOINT STIPULATION TO CONTINUE SCHEDULING CONFERENCE AND EXTEND TIME FOR  
DEFENDANT ERNEST APPLE DBA L & L HAWAIIAN BBQ TO RESPOND TO PLAINTIFF'S COMPLAINT

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WHEREAS, Plaintiff Arthur Owens (“Plaintiff”) filed his Complaint on January 22, 2016;

WHEREAS, on January 25, 2016, this Court set a Scheduling Conference for April 26, 2016, at 9:00 a.m.;

WHEREAS, on February 18, 2016, Defendant HOME DEPOT U.S.A., INC. filed its Answer to Plaintiff’s Complaint [Dkt. No. 13];

WHEREAS, on February 24, 2016, Defendant Brixmor Arbor Faire Owner, LP filed a Declination to Proceed Before U.S. Magistrate Judge [Dkt. No. 16];

WHEREAS, this action has not been assigned to a United States District Judge;

WHEREAS, on March 31, 2016, Defendant Brixmor Arbor Faire Owner, LP filed its Answer to Plaintiff’s Complaint [Dkt. No. 20];

WHEREAS, the deadline for Defendant Ernest Apple dba L & L Hawaiian BBQ to respond to Plaintiff’s Complaint is April 18, 2016;

WHEREAS, the parties have agreed to a settlement in principle of this action and are in the process of revising the settlement agreement;

WHEREAS, the parties’ respective counsel have met and conferred and agreed that in the interest of economy, the April 26, 2016 Scheduling Conference should be continued by approximately 60 days – to a date on or after June 28, 2016 at the Court’s convenience – to allow the parties sufficient time to finalize the settlement in this action, which would eliminate the need for a Scheduling Conference.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and through the parties’ respective counsel as follows:

1. The April 26, 2016 Scheduling Conference be continued by approximately 60 days – to a date on or after June 28, 2016 at the Court’s convenience – to allow the parties sufficient time to finalize the settlement in this action, which would eliminate the need for a Scheduling Conference; and

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2. Defendant Ernest Apple dba L & L Hawaiian BBQ's time to respond to Plaintiff's Complaint be extended to June 7, 2016.

Dated: April 18, 2016

MOORE LAW FIRM, P.C.

By /s/ Tamya E. Moore  
TANYA E. MOORE  
Attorney for Plaintiff  
ARTHUR OWENS

Dated: April 18, 2016

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Kathy H. Gao  
KATHY H. GAO  
Attorney for Defendant  
BRIXMOR ARBOR FAIRE OWNER, LP

Dated: April 18, 2016

SHEPPARD, MULLIN, RICHTER & HAMPTON  
LLP

By /s/ Gregory F. Hurley  
GREGORY F. HURLEY  
Attorney for Defendant  
HOME DEPOT U.S.A., INC.

Dated: April 18, 2016

COLEMAN & HOROWITT, LLP

By /s/ Brady K. McGuinness  
BRADY K. MCGUINNESS  
Attorney for Defendant ERNEST APPLE,  
dba L & L HAWAIIAN BBQ

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**ORDER**

After considering the Parties' stipulation and good cause appearing, IT IS HEREBY ORDERED that:

1. The Scheduling Conference currently set for April 26, 2016, at 9:00 a.m. is continued to June 29, 2016 at 9:00 a.m; and
2. Defendant Ernest Apple dba L & L Hawaiian BBQ's time to respond to Plaintiff's Complaint is extended to June 7, 2016.

IT IS SO ORDERED.

Dated: April 20, 2016

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE