

1 LAW OFFICE OF PHILLIP L. FRAAS
Phillip L. Fraas (Admitted to Appear *Pro Hac Vice*, ECF No. 387)
2 1001 G Street, NW, Suite 800
Washington, DC 20001
3 Phone: (202) 280-2411
E-mail: phil@phillipfraaslaw.com
4

5 STINSON LEONARD STREET LLP
Michael E. Tucci (Admitted to Appear *Pro Hac Vice*, ECF No. 388)
1775 Pennsylvania Avenue, NW, Suite 800
6 Washington, DC 20006
Phone: (202) 728-3010
7 E-mail: michael.tucci@stinson.com
Michael J. Farrell (Attorney No. 177506)
8 1850 N. Central Avenue, Suite 2100
Phoenix, AZ 85004
9 Phone: (602) 279-1600
E-mail: michael.farrell@stinson.com
10

11 Attorneys for Plaintiff
GLORIA P. MORALEZ

12 BENJAMIN B. WAGNER
United States Attorney
13 JOSEPH B. FRUEH
Assistant United States Attorney
14 501 I Street, Suite 10-100
Sacramento, CA 95814
15 Telephone: (916) 554-2702
Facsimile: (916) 554-2900
16

17 Attorneys for Defendant
THOMAS J. VILSACK
Secretary, U.S. Department of Agriculture
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19 IN THE UNITED STATES DISTRICT COURT
20 EASTERN DISTRICT OF CALIFORNIA

21 GUADALUPE L. GARCIA, JR., *et al.*,
22 Plaintiffs,
23 v.

24 THOMAS J. VILSACK, Secretary THE
25 UNITED STATES DEPARTMENT OF
26 AGRICULTURE,
27 Defendant.

Case No. 1:16-CV-00282-AWI-BAM

**ORDER APPROVING STIPULATION TO
FILE FOURTH AMENDED COMPLAINT**

**ORDER CONTINUING INITIAL
SCHEDULING CONFERENCE**

New Date: July 27, 2016
Time: 9:00 a.m.
Dept: Courtroom 8(BAM)

1 IT IS HEREBY STIPULATED by and between Plaintiff Gloria P. Moralez and Defendant
2 Thomas J. Vilsack, through their undersigned counsel and subject to Court approval, that:

3 1. Moralez may file the attached Fourth Amended Complaint, which shall serve as her
4 operative pleading in the above-captioned case;

5 2. Defendant shall have up to and including June 13, 2016, to file his initial response to the
6 Fourth Amended Complaint; and

7 3. The Mandatory Scheduling Conference currently scheduled for May 24, 2016, shall be
8 continued to July 26, 2016, or as soon thereafter as the Court's calendar may permit.

9 The reasons for this Stipulation are as follows:

10 A. This case was originally filed on October 13, 2000, in the U.S. District Court for the
11 District of Columbia as a putative class action lawsuit against the U.S. Department of Agriculture
12 ("USDA") regarding credit decisions on farm loans sought by Hispanic farmers between 1981 and 2000.
13 Among other claims, the complaint alleged violations of the Equal Credit Opportunity Act, 15 U.S.C.
14 §§ 1691–1691f, which imposes civil liability on creditors who discriminate in credit transactions. The
15 district court ultimately denied class certification, and the denial became final in 2010 after the U.S.
16 Supreme Court denied review.

17 B. After the Supreme Court denied review, USDA established a voluntary alternative
18 dispute resolution ("ADR") program to resolve the claims of the named plaintiffs and putative class
19 members. In light of the establishment of the voluntary ADR program, USDA never filed a responsive
20 pleading.

21 C. Most of the named plaintiffs participated in the voluntary ADR program, but a few—
22 including Moralez—elected to continue to litigate their claims in federal court. Because the alleged
23 incidents giving rise to Moralez's claims occurred in the Eastern District of California, her case was
24 transferred to this District on March 1, 2016. The United States Attorney for the Eastern District of
25 California was notified of the case and appeared on behalf of Defendant on March 16, 2016. *See* ECF
26 Nos. 376, 381.

27 D. After the case was transferred, Moralez's Washington, D.C., counsel required several
28 weeks to (1) locate and associate with co-counsel admitted to practice in this District, (2) apply and

1 obtain approval to appear *pro hac vice*, and (3) prepare the attached Fourth Amended Complaint
2 (“FAC”). The FAC contains allegations relevant to Moralez’s individual claims and dispenses with
3 allegations related to the 80 other parties originally named in the putative class action complaint.

4 E. The parties agree that Defendant shall file his initial response to the FAC on or before
5 June 13, 2016.

6 F. In light of the filing of the operative pleading at this time and the fairly complex factual
7 and procedural history of this case spanning several decades, the parties require additional time to confer
8 regarding the nature of plaintiff’s claims and plan for discovery pursuant to Federal Rule of Civil
9 Procedure 26(f). Accordingly, the parties respectfully request that the Mandatory Scheduling
10 Conference scheduled for May 24, 2016, be continued to July 26, 2016, or as soon thereafter as the
11 Court’s calendar may permit.

12 Dated: April 27, 2016

LAW OFFICE OF PHILLIP L. FRAAS
STINSON LEONARD STREET LLP
Michael E. Tucci
Michael J. Farrell

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15 By: /s/ Phillip L. Fraas (as authorized on April 27, 2016)
PHILLIP L. FRAAS

16 Attorneys for Plaintiff
17 GLORIA P. MORALEZ

18 Dated: April 27, 2016

BENJAMIN B. WAGNER
United States Attorney

19
20 By: /s/ Joseph B. Frueh
JOSEPH B. FRUEH
Assistant United States Attorney

21 Attorneys for Defendant
22 THOMAS J. VILSACK
23 Secretary, U.S. Department of Agriculture
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1 **ORDER**

2 Based upon the parties' above Joint Stipulation and for good cause having been shown, this
3 Court hereby orders as follows:

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5 1. Plaintiff GLORIA P. MORALEZ'S request for leave to file a Fourth Amended
6 Complaint is GRANTED;

7 2. On or before May 13, 2016, Plaintiff shall file her Fourth Amended Complaint,
8 attached as Exhibit 1 to the Stipulation, as a separate entry in the docket for purposes of
9 clarifying the record;

10 3. On or before June 13, 2016, Defendant shall file his initial response to the Fourth
11 Amended Complaint;

12 4. The Initial Scheduling Conference is continued from May 24, 2016 to **July 27,**
13 **2016 at 9:00 a.m.** in Department 8, before Judge Barbara A. McAuliffe. A JOINT
14 Scheduling Conference Report, carefully prepared and executed by all counsel, shall be
15 electronically filed in full compliance with the requirements set forth in the Order Setting
16 Mandatory Scheduling Conference, one (1) full week prior to the Scheduling Conference.
17 The parties are encouraged to appear at the mandatory scheduling conference by telephone
18 by arranging a one-line conference call and then adding the Court at (559) 499-5789.

19 IT IS SO ORDERED.

20 Dated: May 11, 2016

21 /s/ Barbara A. McAuliffe
22 UNITED STATES MAGISTRATE JUDGE
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